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SIMLA, SATURDAY, OCTOBER 6, 1866.

HOME DEPARTMENT.

LEGISLATIVE.

Simla, the 25th September 1866.

The following Bill and Statement of Objects and Reasons accompanying it, are published for general information by order of His Excellency the Governor General, under the 19th of the Rules for the conduct of Business at Meetings of the Council of the Governor General of India for the purposes of making Laws and Regulations:—

A Bill to extend the Indian Penal Code to the Straits Settlement.

Preamble

Whereas it is expedient to extend the provisions of the Indian Penal Code to the Settlement of Prince of Wales' Island, Singapore and Malacca; It is hereby enacted as follows:—

Penal Code to extend to Straits Settlement from 1st January 1867

1. From and after the first day of January 1867, the provisions of the Indian Penal Code shall, save as hereinafter mentioned, apply to and take effect throughout the said Settlement; and in construing the said Code, two Rupees shall be deemed equivalent to one Dollar.

In Straits Settlement Sections 224 and 225 to be construed as if "offence" included anything made punishable by a special or local law.

2. In applying the said provisions to the said Settlement, Sections 224 and 225 of the said Code shall be construed as if the word offence denoted anything made punishable by the said Code, or by any special or local law as therein defined.

This Act to be read with the Penal Code

3. This Act shall be read with and taken as part of the said Indian Penal Code.

STATEMENT OF OBJECTS AND REASONS.

This Bill, which has been prepared at the request of the Local Government, proposes to extend, with one slight change, the Indian Penal Code to the Straits Settlement.

The change referred to consists in providing that Sections 224 and 225 of the Code shall be construed as if the definition of the word "offence" given in Section 40 of the Code, included offences punishable only by some special or local law. This will preclude questions, such as have arisen in the Presidencies of Bengal and Madras, as to whether a person escaping from lawful custody can be imprisoned or fined under Section 224 of the Code when the offence for which he is detained is not expressly made punishable under its provisions.

SIMLA,
The 9th July 1866.

H. S. MAINE.

WHITLEY STOKES,
Asstt. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The 2nd October 1866.

The following Bill and Statement of Objects and Reasons accompanying it, are published for general information by order of His Excellency the Governor General, under the 19th of the Rules for the conduct of Business at Meetings of the Council of the Governor General of India for the purposes of making Laws and Regulations:—

ARRANGEMENT OF SECTIONS.

PART I.—*Preliminary.*

1. Short Title.
Commencement of Act.
2. Repeal of Acts.
3. Interpretation Clause.
4. Nothing in Act to apply to British and Foreign Navies.

PART II.—*Of the Registry of Ships.*

5. Ships to be registered.
Certificate of Registry.
6. Ports of Registry.
7. Registrars.
8. Book of Registry.

9. Declaration before Registering Officer.
10. Further declaration in absence of part owner.
11. Measurement to be made of ships before registry.
12. Rules of measurement.
13. Measurement of steam-vessels.
14. Alterations in steam-vessels requiring new registry.
15. Measurement of laden vessels.
16. Registered tonnage to be marked on main beam.
17. Registered tonnage to be repeated in every subsequent Register.
18. Fraudulent use of Certificate of Registry.
19. Change of Master.
20. Name of Ship.
21. Certificate of Building.
22. Loss of Certificate of Registry.
23. Detention of Certificate.
24. Registration *de novo*.
25. Testimony of Registering Officers.
26. False declaration. Falsifying documents.
27. Ships of Native States.
28. Issue of Passes to Ships of Native States.
29. Coasting ships may be registered and obtain Passes.
30. Fee for Certificate of Registry of such coasting ships.
31. Fees to be fixed by Governor General in Council.
32. Ships to belong to ports at which they shall be registered.
33. Registers and Certificates of Registry admissible in all Courts without proof or signature.
34. Register and Certificates of Registry to be *primâ facie* proof of their contents.

PART III.—*Of Official Logs.*

35. Official Logs to be kept in form sanctioned by Local Government.
36. Entries to be made in due time.
37. Entries required in Official Log—
(1)—Convictions.
(2)—Offences.
(3)—Punishments.
(4)—Conduct, &c., of crew.
(5)—Illness and injuries.
(6)—Deaths on board.
(7)—Births on board.
(8)—Marriages on board.
(9)—Quitting ship.
(10)—Wages of men entering navy.
(11)—Wages of deceased seamen.
(12)—Sale of deceased men's effects.
(13)—Collisions.
38. Entries how to be signed.
39. Penalties in respect of Official Logs.
40. Entries in Official Logs to be received in evidence.
41. Official Logs to be delivered to Shipping Master on ship's arrival at port of destination in India.
42. Official Logs to be transmitted to Shipping Master in case of transfer of ship and in case of loss.

PART IV.—*Of Enquiries into Wrecks.*

43. Enquiry may be instituted in cases of wreck and casualty.
44. Investigation.
45. Report.
46. In case of wreck of foreign ship, Consul to be deemed owner's agent.

PART V.—*Of Shipping Offices.*

47. Establishment of Shipping Offices.
48. Appointment, removal and control of Shipping Masters and deputies.
49. Business of Shipping Masters.
50. Fees to be paid upon engagements and discharges.
51. Fees by whom to be paid.
Proviso as to excess.
52. Penalty on Shipping Master taking other remuneration.
53. Business of Shipping Office may be transacted at Custom House or elsewhere.

PART VI.—*Of the Examination and Certificates of Masters and Mates.*

54. Examinations.
55. Local Government to appoint examiners.
Rules for conduct of examination.
Fees.
56. Certificates of competency.
57. Certificates of service.
58. No foreign-going vessel and no Home-trade ship to go to Sea without certificated Master, &c.
59. Certificates for foreign-going ships available for Home-trade ships.
60. Record of grants, cancellations, &c., of Certificates of competency of service.
61. Loss of such Certificates.
62. Sections 54—61 not to apply to ships registered under this Act under certain circumstances.

PART VII.—*Of the Engagement of Seamen.*

63. Licenses to procure seamen.
64. Penalties—
(1)—For supplying seamen without license.
(2)—For employing unlicensed persons.
(3)—For receiving seamen illegally supplied.
65. Penalty for receiving remuneration from seamen for shipping them.
66. Agreements with seamen and others.
67. Contracts with lascars binding them to go to Australia, and thence to the United Kingdom.
68. Contracts with lascars binding them to go to the United Kingdom, and thence back to India.
69. For foreign-going ships such agreements, except in special cases, to be made before and attested by a Shipping Master.
70. Engagements between Masters of foreign ships and lascars.
71. Fees payable in respect of such engagements.
72. Penalty for Master of foreign ship engaging lascars otherwise than is allowed by Sections 69 and 70.
Shipping Master may board foreign ships suspected of unlawfully shipping lascars.
73. Foreign-going ships making short voyages may have running agreements.

74. Engagement and discharge of seamen in the meantime.
75. Fees to be paid on such running agreements.
76. In Home-trade ships agreement to be entered into before Shipping Master or other witness.
77. Special agreements for Home-trade ships belonging to same owner.
78. Penalty for shipping seamen without agreement duly executed.
79. Changes in crew to be reported.
80. To prevent infraction of Act, Shipping Master may board vessel and muster seamen.
81. Production of agreements and certificates for foreign-going ships.
82. Production of agreement and certificates for Home-trade ships.
83. Alterations to be void, unless attested to have been made with consent of all parties.
84. Copy of agreement to be made accessible to crew.
85. Seamen discharged before voyage to have compensation.
86. Relief of destitute lascars.

PART VIII.—*Of Seamen's Wages.*

(a)—Regulation of Advances.

87. Regulation of advances and advance notes.
88. Advances improperly made not to be a discharge of wages.

(b)—Allotment of Wages.

89. Stipulations for allotment to be inserted in the agreement. Allotment notes.
90. Owner, &c., to pay to Shipping Master the sums allotted. Suits on allotment notes. Evidence.
91. Receipts and payments by Shipping Master on account of allotment notes.

(c)—Discharge and payment of Wages.

92. Discharge from foreign-going ships to be made before Shipping Master.
93. Master to deliver account of wages.
94. On discharge, Master to give seamen [illegible] ficate of discharge, and retu[illegible] of competency or s[illegible]
95. Shipping Mas[illegible]

(e)—Mode of recovering Wages.

106. Seaman may sue summarily before any Magistrate for wages not exceeding Rs. 500. Order of Magistrate to be final.
107. Levy of wages by distress.
108. No suit for wages under Rupees 500 to be instituted in Admiralty Court, &c., except in certain cases.
109. Master to have same remedies for wages as seamen.

PART IX.—*Of the Wages and Effects of deceased Seamen.*

110. Master to take charge of effects of deceased seamen.
111. Effects and wages to be paid to Shipping Master with full accounts.
112. Penalties for not taking charge of or accounting for such monies and effects.
113. Wages and property of deceased seamen may be paid without probate.
114. Disposal of wages and effects of deceased seamen, not claimed within one year. Provision where subsequent claim made thereto.

PART X.—*Of the Provisions, Health and Accommodation of Seamen.*

115. Survey of provisions and water on complaint made.
116. Forfeiture for frivolous complaint.
117. Allowance for short or bad provisions.
118. Medicines, &c., to be provided and kept on board certain ships.
119. Masters to keep weights and measures on board.
120. Expense of medical attendance and subsistence in case of illness, how to be defrayed.
121. Place of shelter to be appro[illegible]
122. Shipping Master m[illegible] inspect [illegible]

132. Court authorized to make enquiries into charges against Masters, Mates and Engineers and to report to Local Government.
133. Procedure of Court.
134. Local Government may direct investigation in cases of incompetency or misconduct.
135. Powers of Court, &c., in making enquiries.
136. Local Government may cancel or suspend certificates in certain cases.
137. Master, Mate, or Engineer to deliver up his certificate. Penalty for not delivering it.
138. Saving of powers vested in certain Admiralty Courts. Same powers may be exercised by Chief Criminal Court in any Indian port, and where there is no Admiralty Court.
139. Offences of seamen and apprentices, and their punishments—
(1)—Desertion.
(2)—Neglecting or refusing to join or to go to sea. Absence within twenty-four hours before sailing, and absence without leave.
(3)—Quitting without leave before ship is secured.
(4)—Act of disobedience.
(5)—Continued disobedience.
(6)—Assault on Officers.
(7)—Combining to disobey.
(8)—Wilful damage and embezzlement.
(9)—Act of smuggling, causing loss to owner.
140. Entry of offences to be made in Official Log, and to be read over, or a copy given to the offender: his reply, if any, to be also entered.
141. Seamen whom Masters of ships are compelled to convey, and persons going to sea in ships without leave, to be subject to penalties for breach of discipline.
142. Master or owner may apprehend deserters without warrant.
(1) [illegible]erters may be sent on board in lieu of [illegible]
(2)—[illegible] imprisoned.
—Pu[illegible]isoned for desertion, or breach [illegible]ond[illegible] [illegible]e sent on board before [illegible]

PART XIV.—*Of Passengers by Sea.*

Chapter 1—Of Native passengers between India and the Red Sea or Persian Gulf.

156. What shall be deemed a Native passenger ship within the meaning of Sections 157—174 of this Act.
157. Native passenger ship to sail only from ports appointed by Local Government.
158. Native passenger ships not to sail without obtaining certificate.
159. Penalty for breach of provisions in Sections 157, 158.
160. Appointment of Officers to act under Section 157.
161. Master to give notice of day of sailing, &c.
162. Power to enter and inspect ship.
163. Ship may be surveyed.
164. Officer to be satisfied before giving certificate—
(1)—That the ship is sea-worthy.
(2)—That the space between decks for passengers is sufficient.
(3)—That the space on the upper deck is sufficient.
(4)—That there is a due supply of provisions.
165. Number of passengers.
166. List of passengers.
167. Ship taking additional passengers, and touching at intermediate port.
168. Penalty for fraudulent alteration in ship after certificate has been obtained.
169. Information to be transmitted to ports of embarkation.
170. Report of Consul, &c., to be admissible in evidence.
171. Length of voyage to be fixed by proclamation.
172. Quantity of provisions and water to be shipped.
173. Contract by passengers for supply of their own provisions.
174. Penalty on ships bringing excessive number of passengers from Red Sea or Persian Gulf to Indian ports.
175. Nothing in Sections 156—174 to apply to [illegible]hips under contract with European Go[illegible] [illegible]mers conveying pub-

184. Supply of provisions on board passenger-ships plying to and from Ceylon.
185. List of passengers to be signed by master. Additional passengers.
186. Penalty for bringing Native passengers into any port on the eastern coast of the Bay of Bengal from any foreign European settlement in excess of authorized proportion.
187. Penalty for impeding entry or inspection.

188. Penalty for landing Native passengers at places other than that at which they have contracted to land.
189. Native passenger's right of suit preserved.

Chapter 3—Of forwarding certain Passengers taken off a Ship or picked up at Sea.

190. Sections 191, 192, 193 to apply to passengers on certain voyages.
191. Governors or Consuls may pay expenses of passengers taken off a passenger ship.
192. Governors or Consuls may send on passengers if Master of ship fail to do so.
193. Expenses incurred under Sections 190, 192, to be a Crown debt.
Passengers forwarded under Section 192, not to be entitled to compensation.
194. Certificates to be furnished to coasting steam-vessels intending to carry passengers.

Chapter 4—Of Coasting Passenger Steamers.

195. Grant and contents of such certificates.
196. Copy of certificate to be placed in conspicuous part of steamer.
197. Penalty for exceeding number specified in certificate.
198. Penalty for proceeding without certificate.
199. Grant of certificate to be subject to control of Government.

PART XV.—*Of Procedure.*

200. Depositions to be received in evidence when witnesses cannot be produced.
201. Adjudication of offences and recovery of penalties.
202. Wages, penalties, &c., payable by Ma[illegible] owner, may be levied by [illegible]
203. Jurisdiction.

A Bill to consolidate and amend the law relating to Merchant Ships, Seamen and Passengers by Sea.

Preamble.

Whereas it is expedient to consolidate and amend the law relating to Merchant Ships, Seamen and Passengers by Sea; It is hereby enacted as follows:—

PART I.—*Preliminary.*

Short Title.

Commencement of Act.

1. This Act shall be called "The Indian Shipping Act, 1867," and shall come into operation on the 1st of March 1867.

Repeal of Acts.

2. The Acts specified in the first Schedule hereto are hereby repealed, except as to the repeal of Acts and parts of Acts effected thereby, and except as to acts done, penalties incurred, and agreements made before the passing of this Act. All things duly done under any of the Acts hereby repealed, shall be considered as having been done under this Act.

Interpretation Clause.

3. In this Act, unless there be something repugnant in the subject or context—

"British India" means the territories which are or may become vested in Her Majesty or Her Successors by the Statute 21 and 22 Vic., Cap. 106, entitled "An Act for the better Government of India;"

"Magistrate" includes a Magistrate of Police appointed under Act No. XIII of 1856 *(for regulating the Police of the Towns of Calcutta, Madras and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore and Malacca)*, a Joint Magistrate and any person lawfully exercising the powers of a Magistrate and a Justice of the Peace, and, at the Port of Aden, the Political Resident and his Assistant;

"Local Government."

"Local Government" means the person or persons for the time being immediately administering the executive Government of t[illegible] tion of British India where the port [illegible] question is situate;

"Ship" includes every descri[illegible] in navigation not propelled b[illegible]

"Home-trade ship" in[illegible]

[illegible] in[illegible]

Words importing the singular number include the plural: words importing the plural number include the singular: and, words importing the masculine gender, include females;

Number

Gender.

"Person" includes any Company or Association or body of persons whether incorporated or not.

"Person."

4. Nothing herein contained shall apply to ships belonging to or in the service of Her Majesty or belonging to any foreign Government; and nothing in Parts III to XIII, both inclusive, except as otherwise hereinafter provided, shall extend to any ship belonging to the subjects of any foreign Government.

Nothing in Act to apply to British and foreign Navies.

PART II.—*Of the Registry of Ships.*

5. No ship shall be deemed a British ship under the proclamation issued by the Governor General of India in Council pursuant to the Statute 3rd and 4th Vic., Cap. 56, entitled "An Act to regulate the trade of ships built and trading within the limits of the East India Company's Charter," unless the person or persons claiming property therein shall have caused the same to have been registered at some one of the ports hereinafter mentioned in British India, and shall have obtained a certificate of such registry from the person authorised to make such registry, and grant such certificate as hereinafter directed. Such certificate shall be in the following form:—

Ships to be Registered.

Certificate of Registry.

"This is to certify, that in pursuance of "The Indian Shipping Act, 1867" *(here insert the name or names, and occupation and residence, of subscribing owner or owners)* having made and subscribed the declaration required by the said Act, and having [illegible] they) together with *(names,* [illegible] by each of the owners (where there are more owners than one) mentioned and described in such certificate, in the form and manner following:—

Names of several owners within mentioned.	Number of shares held by each owner.
Name	... Thirty-two.
Name	... Sixteen.
Name	... Eight
	&c. &c."

(Signed) ————————

Collector.

6. The ports at which registration shall be made, shall be the ports of Calcutta, Madras, Bombay, and such other places subordinate to the Local Governments of British India, as such Governments respectively may, from time to time, declare to be registering ports under this Act: Provided that ships built at any place other than any of such ports, shall be allowed to make their first voyage to any of such ports, being the ports at which it is intended they shall be registered under a certificate to be granted by the principal British Officer at the place where the ship is built, or if there be no British Officer in authority there, then by three merchants of such place. Such certificate shall contain all the particulars with regard to the ownership and description of the ships contained in a Certificate of Registry, and shall specify the ports at which it is intended that they shall respectively be registered, and shall have all the effect of a Certificate of Registry under this Act, during the first voyage from the place of building to the ports at which the ships respectively shall be afterwards registered: Provided that such ships so proceeding on their first voyage as aforesaid, shall be deemed British ships only whilst duly prosecuting such first voyage for the purpose of registry, and if they be not [illegible] within a reasonable time after their [illegible] the owner or master

Ports of Registry.

9. No registry shall henceforth be made or certificate be granted, until the following declaration be made or subscribed before the Registering Officer, by the owner or major part of the owners of the ship required to be registered:—

Declaration.

I, *A B*, of *(place of residence and occupation)*, do truly declare that the ship *(name)* of *(port or place)* whereof *(master's name)* is at present master, being *(kind of build, burthen, &c., as described in the certificate of the Surveying Officer)*, was *(when and where)* built, and that I the said *(A B)* and the other owners *(names and occupations, if any, and where they respectively reside)* am (*or* are) sole owner (*or* owners) of the said ship, and that no other person or persons whatever hath or have any right, title, interest, share or property therein or thereto; and that I the said *(A B)* and the said other owners (if any) am (*or* are) truly and *bonâ fide* a subject (*or* subjects) of Her Majesty for whom the Governor General of India in Council has power to legislate, and that no person not being subject as aforesaid, directly or indirectly, hath any share or part interest in the said ship.

Provided that if the Registering Officer shall see occasion to doubt the truth of any of the facts contained in the above declaration, he shall not deem such declaration to be conclusive, but may refuse the registry or certificate; and his discretion exercised in this behalf shall be subject only to an appeal to the Local Government to which he is subordinate.

10. In case the required number of joint owners of any ship shall not personally attend to make and subscribe the declaration hereinbefore directed to be made and subscribed, then and in such case such owner as shall personally attend and make and subscribe the declaration aforesaid, shall further declare that the part owner or part owners of such ship then absent, is or are not resident within twenty miles of such port or place, and hath or have not, to the best of his knowledge or belief, wilfully absented himself in order to avoid the making the declaration hereinbefore directed to be made and subscribed, or is prevented by illness from attending to make and subscribe the said declaration.

Further declaration where requisite number of joint owners do not attend.

11. Previous to the registering or granting of any Certificate of Registry as aforesaid, some person appointed by the Local Government, taking to his assistance, if he shall judge it necessary, some person skilled in the building and admeasurement of ships, shall go on board of every such ship that is to be registered, and shall strictly and accurately examine and admeasure every such ship as to all and every particular contained in the form of the certificate hereinbefore directed, in the presence of the master, or of any other person who shall be appointed for that purpose on the part of the owner, or in his absence, by the said master, and shall deliver a true and just account in writing of all such particulars of the build, description and admeasurement of every such ship as are specified in the form of the certificate above recited to the Officer authorized to make such registry and grant such Certificate of Registry as aforesaid. The said master, or other person attending on the part of the owner, is hereby required to sign his name also to the certificate of such Surveying or Examining Officer, in testimony of the truth thereof: provided such master or other person shall consent and agree to the several particulars set forth and described therein.

Measurement to be made.

12. From and after the commencement of this Act, the tonnage of every ship required by law to be registered, shall, previous to her being registered, be measured and ascertained while her hold is clear, and according to the following rule (that is to say), divide the length of the upper deck between the afterpart of the stem and the forepart of the stern-post, into six equal parts. Depths: at the foremost, the middle, and the aftermost of those points of division, measure in feet and decimal parts of a foot the depths from the underside of the upper deck to the ceiling at the limber strake. In the case of a break in the upper deck, the depths are to be measured from a line stretched in a continuation of the deck. Breadths: divide each of those three depths into five equal parts, and measure the inside breadths at the following points, *videlicet*, at one-fifth and at four-fifths from the upper deck of the foremost and aftermost depths, and at two-fifths and four-fifths from the upper deck of the midship depth. Length: at half the midship depth measure the length of the vessel from the afterpart of the stem to the forepart of the sternpost, then to twice the midship depth add the foremost and the aftermost depths for the sum of the depths; add together the upper and lower breadths at the foremost division, three times the upper breadth and the lower breadth at the midship division, and the upper and twice the lower breadth at the after division, for the sum of the breadths; then multiply the sum of the depths by the sum of the breadths, and this product by the length, and divide the final product by three thousand five hundred, which will give the number of tons for register. If the vessel have a poop or half deck, or a break in the upper deck, measure the inside mean length, breadth, and height of such part thereof as may be included within the bulk-head; multiply these three measurements together and dividing the product by 92·4, the quotient will be the number of tons to be added to the result as above found. In order to ascertain the tonnage of open vessels, the depths are to be measured from the upper edge of the upper strake.

Rules of measurement.

13. In each of the several rules hereinbefore prescribed, when applied for the purpose of ascertaining the tonnage of any ship propelled by steam, the tonnage due to the cubical contents of the engine-room shall be deducted from the total tonnage of the ship as determined by either of the rules aforesaid, and the remainder shall be deemed the true register tonnage of the said ship. The tonnage due to the cubical contents of the engine-room shall be determined in the following manner (that is to say),—measure the inside length of the engine-room in feet and decimal parts of a foot from the foremost to the aftermost bulk-head, then multiply the said length by the depth of the ship at the midship division as aforesaid, and the product by the inside breadth at the same division at

Measurement of steam vessels.

two-fifths of the depth from the deck taken as aforesaid, and divide the last product by .92·4, and the quotient shall be deemed the tonnage due to the cubical contents of the engine-room.

Alterations in steam-vessels requiring new registry.

14. The tonnage due to the cubical contents of the engine-room and also the length of the engine-room, shall be set forth in the Certificate of Registry as part of the description of the ship, and any alteration of such tonnage due to the cubical contents of the engine-room, or of such length of the engine-room, after registry, shall be deemed to be an alteration requiring registry *de novo*.

Measurement of laden vessels.

15. For the purpose of ascertaining the tonnage of all such ships whether belonging to the United Kingdom or otherwise, as there shall be occasion to measure while their cargoes are on board, the following rule shall be observed and is hereby established (that is to say),—measure, *first*, the length on the upper deck between the afterpart of the steam and the forepart of the stern-post; *secondly*, the inside breadth on the underside of the upper deck at the middle point of the length; and, *thirdly*, the depth from the underside of the upper deck down the pump-well to the skin: multiply these three dimensions together, and divide the product by one hundred and thirty, and the quotient will be the amount of the register tonnage of such ships.

Registered tonnage to be marked on main beam.

16. The true amount of the register tonnage of every merchant ship belonging to the United Kingdom, to be ascertained according to the rule by this Act established in respect of such ships, shall be deeply carved or cut in figures of at least three inches in length on the main beam of every such ship, prior to her being registered.

Registered tonnage to be repeated in every subsequent register.

17. Whenever the tonnage of any ship shall have been ascertained according to the rules herein prescribed, such amount of tonnage shall ever after be deemed the tonnage of such ship, and shall be repeated in every subsequent registry of such ship, unless it shall happen that any alteration has been made in the form or burthen of such ship, or it shall be discovered that the tonnage of such ship had been erroneously taken and computed.

Fraudulent use of Certificate.

18. If such certificate as aforesaid shall be sold, lent, or otherwise disposed of to any person other than those for whose use it is granted, or shall be made use of for the service of any ship other than the ship for which it is granted, such certificate shall thenceforth be void, and the master or any owner of the ship who shall be proved to have sold, lent, or disposed of such certificate, or made use of the same as aforesaid, or shall have concurred in or been privy to the committing any such offence, shall be liable, upon conviction by information as aforesaid, to a penalty not exceeding ten thousand Rupees. In case such ship shall be lost or taken by the enemy, burnt or broken up, or otherwise prevented from returning to the port at which she is registered, or shall on any account have lost and forfeited the privileges of a British ship, or shall have been seized and legally condemned for illicit trading, or shall have been taken in execution for debt and sold by due process of law, or shall have been sold to the Crown, or shall under any circumstances have been registered *de novo*, the certificate, if preserved, shall be delivered up, within one month after the arrival of the master in any port or place in British India to the Registering Officer at such port, in default whereof the master or any of the owners shall be liable, on conviction by information as aforesaid, in a penalty not exceeding five thousand Rupees. If any person not being such subject as aforesaid, shall purchase or otherwise become entitled to the whole or to any part or share of or any interest in such ship, and the same shall be within the limits of any port of British India, then and in such case the Certificate of Registry shall, within seven days after such purchase or transfer of property in such ship, be delivered up to the Registering Officer at such port, and if such ship shall be in any place not within British India when such purchase or transfer of property shall take place, then the certificate shall be delivered up within fourteen days after the arrival of such ship or of the master thereof in any port of British India to the Registering Officer at such port, in default whereof the master or any of the owners shall be liable, on conviction before any Justice of the Peace, in a penalty not exceeding five thousand Rupees.

Change of Master.

19. When and so often as the master of any ship registered in manner hereinbefore directed, shall be changed, the master or owner of such ship shall deliver to the person hereinbefore authorized to make such registry and grant such Certificates of Registry at the port where such change shall take place, if it be a port within British India the Certificate of Registry belonging to such ship, who shall thereupon indorse and subscribe a memorandum of such change, and shall forthwith give notice of the same to the proper officer of the port or place where such ship was last registered pursuant to this Act, who shall likewise make a memorandum of the same in the book of registers which is hereby directed and required to be kept, and shall forthwith give notice thereof in like manner as of the original entry. But if the change do not take place in any port within British India, then such delivery, memorandum, and endorsement shall be made, and notice given at the first port within British India at which the new master shall arrive after such change. In default of such delivery of the certificate, such new master or any of the owners shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding five thousand Rupees.

Name of ship.

20. It shall not be lawful for any owner of any ship to give any name to such ship other than that by which she was first registered in pursuance of this Act. The owner of every ship which shall be so registered, shall, before such ship, after such registry, shall begin to take in any cargo, paint or cause to be painted, in white or yellow letters of a length of not less than four inches, upon a black ground on some conspicuous part of the stern, the name by which such ship shall have been registered pursuant to this Act, and the port to which she belongs, in a distinct and legible manner, and shall so keep and preserve the same. If such owner or master of such ship shall

permit such ship to begin to take in cargo before her name has been so painted as aforesaid, or shall wilfully alter, erase, obliterate, or in anywise hide or conceal, or cause or procure or permit the same to be done, or shall in any written or printed paper or other document describe such ship by any name other than that by which she was first registered pursuant to this Act, or shall verbally describe, or cause or procure or permit such ship to be described by any other name to any Officer of Revenue in the due execution of his duty, then and in every such case the Certificate of Registry shall thenceforth become void, and such owner or master of such ship shall be liable, on information as aforesaid, to a penalty not exceeding ten thousand Rupees.

Certificate of building.

21. Every person who shall apply for a Certificate of the Registry of any ship, shall, and is hereby required to produce to the person authorized to grant such certificate, a true and full particular under the hand of the builder of such ship, or in case the want of such certificate can be satisfactorily accounted for, then to produce other sufficient evidence of the proper denomination, and of the time when and the place where such ship was built, and also an exact account of her tonnage, and shall also make and subscribe a declaration before the person hereinbefore authorized to grant such certificate that the ship for which such certificate is required is the same as that which is so described by the builder as aforesaid.

Certificate lost or mislaid

22. If the Certificate of Registry of any ship shall be lost or mislaid, so that the same cannot be found or obtained for her use when needful, and proof thereof shall be made to the satisfaction of the Registering Officer of the port at which the ship is registered, such Officer shall and may, where the certificate shall have been lost or mislaid, permit such ship to be registered *de novo*, and a certificate thereof to be granted: Provided always that if such ship be absent and far distant from the port to which she belongs, or by reason of the absence of the owner or of any other impediment, registry of the same cannot then be made in sufficient time, such Registering Officer shall and may grant a license for the present use of such ship, and such license shall, for the time and to the extent specified therein and no longer, be of the same force and virtue as a Certificate of Registry granted under this Act: Provided always that if the Certificate of Registry shall at any time afterwards be found, the same shall be forthwith delivered to the proper Officers of Customs to be cancelled, and that no illegal use be made of the same, in default whereof the original certificate and the renewed certificate and license shall thenceforth become void. Any person wilfully detaining the certificate so required to be cancelled, or making any illegal use thereof, shall be liable, on conviction before any Justice of the Peace, in a penalty not exceeding five thousand Rupees.

Detention of certificate.

23. In case any person who shall have received or obtained by any means, or for any purpose whatever, the Certificate of the Registry of any such ship (whether he shall claim to be the master, or to be the owner or one of the owners of such ship, or not), shall wilfully detain and refuse to deliver up the same to the proper Officers of Customs, for the purposes of such ship, as occasion shall require, or to the person having the actual command, possession, and management of such ship as the ostensible and reputed master, or as the ostensible and reputed owner thereof, it may and shall be lawful to and for any such last-mentioned person to make complaint on oath of such detainer and refusal to any Justice of the Peace residing near to the place where such detainer and refusal shall be, and on such complaint the said Justice shall, and is hereby required by warrant under his hand and seal, to cause the person so complained against to be brought before him to be examined touching such detainer and refusal. If it shall appear to the said Justice on examination of such person, or otherwise, that the said Certificate of Registry is not lost or mislaid, but is wilfully detained by the said person, he shall be subject, on conviction before such Justice, to a penalty not exceeding one thousand Rupees; and the said Justice shall, and he is hereby required to certify the aforesaid detainer, refusal, and conviction to the person who granted such Certificate of Registry for such ship who shall, on the terms and conditions of law being complied with, make registry of such ship *de novo*, and grant a certificate thereof conformably to law, notifying on the back of such certificate the ground upon which the ship was so registered *de novo*. If the person who shall have detained and refused to deliver up such Certificate of Registry as aforesaid, or shall be verily believed to have detained the same, shall have absconded so that the said warrant of the Justice cannot be executed upon him, and proof thereof shall be made to the satisfaction of the Registering Officer of the port at which the ship was registered, it shall be lawful for the said Officer to permit such ship to be registered *de novo*, or otherwise, in his discretion, to grant a license for the present use of such ship in like manner as is hereinbefore provided in the case wherein the Certificate of Registry is lost or mislaid.

Registration *de novo*.

24. If any ship, after she shall have been registered pursuant to the directions of this Act, shall in any manner whatever be altered so as not to correspond with all the particulars contained in the certificate of her registry, or if any alteration shall take place in the ownership of any ship, or of any share or shares thereof, in such cases such ship shall be registered *de novo* in manner hereinbefore required as soon as she returns to the port to which she belongs, or to any other port within British India, on failure whereof such ship shall be deemed to be a ship not duly registered, and any person making use of a certificate for the purposes of any ship which has been granted in respect of the same, after the same ought to have been registered *de novo*, shall be liable, on conviction before any Justice of the Peace, to a penalty not exceeding five thousand Rupees.

Testimony of Registering Officers.

25. The Registering Officer at any port or place, and the person acting for him, shall, upon every reasonable request by any person whomsoever, produce and exhibit for his inspection and examination any declaration made by any such owner, and also any register or entry in any book of registry required, and shall upon every reasonable request by any

person whomsoever, permit him to take a copy, or extract thereof respectively. The copy of any such oath or declaration, registry or entry, shall, upon being proved to be a true copy thereof respectively, be received as evidence upon every trial without the production of the original, and without the testimony or attendance of any Registering Officer, or other person acting for him respectively, in all cases, as fully as such original if produced by any Registering Officer, or other person acting for him, could or might legally be admitted or received in evidence.

False declaration. Falsifying documents.

26. If any person shall falsely make declaration to any of the matters hereinbefore required to be verified by declaration, or if any person shall counterfeit, erase, alter, or falsify any certificate or other instrument in writing required or directed to be obtained, granted, or produced by this Act, or shall knowingly or wilfully make use of any certificate or other instrument so counterfeited, erased, altered, or falsified, or shall wilfully grant such certificate or other instrument in writing, knowing it to be false, such person shall, for every such offence, be liable on conviction upon information as aforesaid, to a penalty not exceeding ten thousand Rupees. If any such offence be committed by the owner of any ship, the certificate of such ship shall thenceforth be void.

Ships of Native States.

27. When any ship duly registered under this Act, or under any statute for the time being in force in the United Kingdom, shall come to be owned by a Native Prince or State, or by any subject of such Native Prince or State, it shall be lawful for the Local Government to continue to such ship the privileges and advantages of a British ship for the purposes aforesaid by a pass to be issued under the Seal of the Local Government and subscribed by a Secretary to such Government, stating the voyage or voyages for which the same is to have effect, and the period for which it is to last. It shall be lawful for the Local Government to issue a similar pass conferring the privileges and advantages of a British ship for the purposes aforesaid under this Act to any ship built within the dominions of such Native Prince or State, and owned by such Prince or State, or by any of his or its subjects: Provided always that the ships belonging to Native Princes or States, or their subjects, in respect of which passes may be granted under this Act shall, during the voyage or voyages, or the period for which any such pass shall be granted, be commanded by a subject of Her Majesty for whom the Governor General of India in Council has power to legislate.

Issue of passes to ships of Native States.

28. The passes which, under the last preceding section of this Act, may be issued for conferring the privileges and advantages of a British ship, in certain cases, to any ship built within the dominions of a Native Prince or State in subordinate alliance with, or having subsidiary treaties with, the Government of India, may be issued in the like cases, and under the same restrictions, to any ship belonging to any such Native Prince or State, or his or its subjects, wherever the same may have been built.

Coasting ships may be registered and obtain passes.

29. All ships of whatever rig and of whatever tonnage, owned by British subjects, entitled to registry under this Act, or owned by such Native Princes or States, or by their subjects, entitled to passes under this Act, employed only in coasting voyages or between any port of the Continent of India and the Island of Ceylon, may be registered and obtain passes, and the tonnage may be marked, according to such rules as shall be made from time to time by the Local Government.

Fee for Certificate of Registry of such coasting ships.

30. The owners of coasting vessels, registered under Section 29 shall pay for each Certificate of Registry—

For a vessel not exceeding the burthen of four tons, one Rupee;

Exceeding four tons and not exceeding twenty tons, five Rupees;

Exceeding twenty tons and not exceeding eighty tons, seven Rupees;

Exceeding eighty tons, for each ton two annas.

Such fees shall be carried to the credit of the Local Government.

Fees.

31. Subject to the provisions contained in Section 30, fees demandable in respect of the granting any certificate or pass under this Act, shall be fixed from time to time according to the directions of the Governor General of India in Council, but so that the same shall not exceed the amount of fees now payable for registering or granting passes to ships at the different Presidencies.

Ships to belong to ports at which they shall be registered.

32. All ships registered under this Act, shall be deemed to belong to the ports at which they shall be respectively registered. All ships being registered, or in respect of which passes may have been granted which are unexpired at the time of passing this Act, shall, for the purpose of being deemed British ships, be deemed to belong to the ports at which they may have been registered, or when passes shall have been granted which are unexpired, at which such passes may have been respectively granted. Such ships built and owned as required by the Statute 3 and 4 Vic., Cap. 56, shall continue subject to all the rules in force at the respective Presidencies before the passing of this Act, touching the registering, measurement, granting passes or other requisitions in respect of the same, and shall not be subject to the provisions of this Act, or any provisions of the Statute law, a compliance with which may heretobefore have been necessary in order that ships built and owned as aforesaid might be deemed British ships for the purposes of trade.

Registers and Certificates of Registry admissible without proof of signature.

33. Every register of a ship kept under this Act, or under any of the Acts of Parliament relating to the registry of British ships, may be proved in any Court of Justice, or before any person having by law or by consent of parties, authority to hear, receive, and examine evidence with respect to, or concerning any suit or other proceeding in any such Court, either by production of the original, or by an examined copy

thereof, or by a copy thereof purporting to be certified under the hand of the person having the charge of the original. Such person is hereby required to furnish such certified copy to any person applying at a reasonable time for the same, upon payment of the sum of one Rupee.

Register and Certificates of Registry to be *primâ facie* proof of contents.

34. Every such register, or such copy of a register, and also every Certificate of Registry granted under this Act, or any of the said Acts of Parliament, and purporting to be signed as required by law, shall be received in evidence in any Court of Justice, or before any person having by law or by consent of parties authority to hear, receive, and examine evidence as aforesaid, as *primâ facie* proof of all the matters contained or recited in such register, when the register or such copy thereof as aforesaid, is produced, and of all the matters contained or recited in or endorsed on such Certificate of Registry, when the said certificate is produced.

PART III.—*Of Official Logs.*

Official logs to be kept in forms sanctioned by Local Government.

35. An official log-book of every ship registered at any port or place in British India, except Home-trade ships of a burden not exceeding three hundred tons, shall be kept in a form sanctioned by the Local Government; and such official log may, at the discretion of the master or owner, either be kept distinct from the ordinary ship's log or united therewith, so that in all cases all the blanks in the official log be duly filled up.

Entries to be made in due time.

36. Every entry in every official log shall be made as soon as possible after the occurrence to which it relates, and if not made on the same day as the occurrence to which it relates shall be made and dated so as to show the date of the occurrence, and of the entry respecting it; and in no case shall any entry therein in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge be made more than twenty-four hours after such arrival.

Entries required in official log.

37. Every master of a ship for which an official log-book is hereby required, shall make or cause to be made therein entries of the following matters (that is to say),—

Convictions.

(1)—Every legal conviction of any member of his crew, and the punishment inflicted:

Offence.

(2)—Every offence committed by any member of his crew for which it is intended to prosecute, or to enforce a forfeiture, or to exact a fine, together with such statement concerning the reading over such entry, and concerning the reply (if any) made to the charge, as required by Section 110:

Punishment.

(3)—Every offence for which punishment is inflicted on board, and the punishment inflicted:

Conduct, &c. of crew.

(4)—A statement of the conduct, character and qualifications of each of his crew, or a statement that he declines to give an opinion on such particulars:

Illness and injuries.

(5)—Every case of illness or injury happening to any member of the crew, with the nature thereof, and the medical treatment adopted (if any):

Deaths.

(6)—Every case of death happening on board, and of the cause thereof:

Births.

(7)—Every birth happening on board, with the sex of the infant, and the names of the parents:

Marriages.

(8)—Every marriage taking place on board, with the names and ages of the parties:

Quitting ship.

(9)—The name of every seaman or apprentice who ceases to be a member of the crew, otherwise than by death, with the place, time, manner and cause thereof:

Wages of men entering Navy.

(10)—The amount of wages due to any seaman who enters Her Majesty's service during the voyage:

Wages of deceased seamen.

(11)—The wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made therefrom:

Sale of deceased men's effects.

(12)—The sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold and of the sum received for it:

Collisions.

(13)—Every collision with any other ship, and the circumstances under which the same occurred.

Entries how to be signed.

38. The entries hereby required to be made in official log-books shall be signed as follows (that is to say), every such entry shall be signed by the master and by the mate or some other of the crew, and every entry of illness, injury, death, or birth, shall be also signed by the surgeon or medical practitioner on board (if any); and every entry of wages due to, or of the sale of the effects of, any seaman or apprentice who dies, shall be signed by the master and by the mate and some other member of the crew; and every entry of wages due to any seaman who enters Her Majesty's service, shall be signed by the master and by the seaman, or by the officer authorized to receive the seaman into such service.

Penalties in respect of official logs.

39. The following offences in respect of official log-books shall be punishable as hereinafter mentioned (that is to say),—

(1.)—If in any case an official log-book is not kept in the manner hereby required, or if any entry hereby directed to be made in any such log-book is not made at the time and in the manner hereby directed, the master shall, for each such offence, incur the specific penalty herein mentioned in respect thereof, or where there is no such specific penalty, a penalty not exceeding fifty Rupees.

(2.)—Every person who makes or procures to be made or assists in making any entry in an official log-book, in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge in British India, more than twenty-four hours after such arrival, shall, for each such

offence, incur a penalty not exceeding three hundred Rupees.

(3.)—Every person who wilfully destroys or mutilates or renders illegible any entry in any official log-book, or who wilfully makes or procures to be made or assists in making any false or fraudulent entry or omission in any such log-book, shall, for each such offence, be liable to imprisonment, with or without hard labour, for a term not exceeding one year.

Entries in official logs to be received in evidence.

40. All entries made in any official log-book as hereinbefore directed shall be received in evidence in any proceeding in any Court of Justice, subject to all just exceptions.

Official logs to be delivered to Shipping Master on ship's arrival at port of destination in India.

41. The master of every foreign-going ship shall within forty-eight hours after the ship's arrival at her final port of destination in British India, or upon the discharge of the crew, whichever first happens, deliver to the Shipping Master before whom the crew is discharged, the official log-book of the voyage; and the master or owner of every Home-trade ship of a burden exceeding three hundred tons, shall, within twenty-one days after the thirtieth day of June and the thirty-first day of December in every year, transmit or deliver to some Shipping Master in British India the official log-book for the preceding half year; and every master or owner who refuses or neglects to deliver his official log-book, as hereby required, shall be subject to a penalty not exceeding two hundred Rupees.

Official logs to be transmitted to Shipping Master in case of transfer of ship and in case of loss.

42. If any ship ceases, by reason of transfer of ownership or change of employment, to fall within the operation of Section 35, the master or owner thereof shall, if such ship is then in any port in British India, within one month, and if she is elsewhere, within six months, deliver or transmit to the Shipping Master at the port to which the ship belonged, the official log-book duly made out to the time at which she ceased to be within such operation, and in default shall, for each offence, incur a penalty not exceeding one hundred Rupees; and if any ship is lost or abandoned, the master or owner thereof, shall, if practicable, and as soon as possible, deliver or transmit to the Shipping Master at the port to which the ship belonged, the official log-book (if any) duly made out to the time of such loss or abandonment, and in default shall, for each offence, incur a penalty not exceeding one hundred Rupees.

PART IV.—*Enquiries into Wrecks.*

Enquiry may be instituted in cases of wreck and casualty.

43. In any of the cases following (that is to say),—

Whenever any ship, whether British or foreign, is lost, abandoned or materially damaged on or near the coasts of British India;

Whenever any such ship causes loss or material damage to any other such ship on or near such coasts;

Whenever, by reason of any casualty happening to or on board of any such ship on or near such coasts, loss of life ensues;

Whenever any such loss, abandonment, damage, or casualty happens elsewhere to, or on board any ship registered at any port or place in British India, under the Merchant Shipping Act, 1854, or under this Act:

It shall be the duty of any European Civil Officer of Government residing at or near the place where such loss, abandonment, damage, or casualty occurred, if the same occurred in British India; but if elsewhere, at or near the place where such witnesses as hereinafter mentioned arrive or are found to give notice of the same to the Local Government: It shall be lawful for the Local Government, whether such notice be given or not, if a formal investigation appears to it to be requisite or expedient, to appoint two persons to make the same. The investigation shall be held at such place as the Local Government shall deem best for the convenient examination of the witnesses. One of the persons to be so appointed shall be a Magistrate acting in or near the place where the investigation is held, the other may be any person conversant with maritime affairs.

Investigation.

44. The persons appointed shall proceed to make the investigation, and shall for that purpose, so far as relates to compelling the attendance of witnesses, and the regulation of the proceedings, have the same powers as if the same were a proceeding relating to an offence or cause of complaint upon which such Magistrate has power to convict summarily, or as near thereto as circumstances admit.

Report.

45. Upon the conclusion of the case the persons appointed to investigate shall send a report to the Local Government, containing a full statement of the case and of their opinion thereon, accompanied by such report of or extracts from the evidence, and such observations (if any) as they may think fit.

In case of wreck of foreign ship, Consul to be deemed owner's agent.

46. Whenever any articles belonging to or forming part of any foreign ship which has been wrecked on or near the coast of British India, or belonging to or forming part of the cargo thereof, are found on or near such coast, or are brought into any port in British India, any Consular Officer of the country to which such ship or, in the case of cargo, to which the owners of such cargo may have belonged, authorised in that behalf by any treaty or agreement with such country, shall, in the absence of the owner of such ship or articles, and of the master or other agent of the owner, be deemed to be the agent of the owner so far as relates to the custody and disposal of such articles.

PART V.—*Of Shipping Offices.*

Shipping Offices.

47. A Shipping Office shall be established at each of the ports of Calcutta, Madras and Bombay, and at such other ports as the Governor General of India in Council shall hereafter deem necessary. For every such Office there shall be a Superintend-

ent, to be called a "Shipping Master," with such necessary Deputies, clerks, and servants, at such salaries, and subject to such regulations as the Local Government shall, from time to time, with the sanction of the Governor General of India in Council, direct and appoint. Every act done by or before any deputy duly appointed, shall have the same effect as if done by or before a Shipping Master.

Appointment, removal, and control of Shipping Masters and Deputies.

48. The Local Government shall have power to appoint and remove such Shipping Masters and Deputies, who shall respectively be subject to the control of that Government, or of any intermediate authority which it may appoint.

Business of Shipping Masters.

49. It shall be the general business of the Shipping Masters appointed under this Act to superintend and facilitate the engagement and discharge of seamen in manner hereinafter mentioned, to provide means for securing the presence on board at the proper times of men who are so engaged, and to perform such other duties relating to merchant seamen and merchant ships as are hereby, or under the Merchant Shipping Act, 1854, or as may hereafter under the powers herein contained, be committed to them. It shall also be the duty of Shipping Masters to give to all persons desirous of apprenticing boys to the sea-service, and duly authorized so to do by Act No. XIX of 1850 (*concerning the binding of apprentices*), and also to masters and owners of ships requiring apprentices, such assistance as may be in their power for facilitating the making of such apprenticeships.

Fees to be paid upon engagements and discharges.

50. Such fees, not exceeding the sums specified in the Table marked (A) in the second Schedule to this Act, as are, from time to time, fixed by the Local Government, shall be payable upon all engagements and discharges effected before Shipping Masters as hereinafter mentioned. Scales of the fees payable for the time being, shall be conspicuously placed in the Shipping Offices; and all Shipping Masters, their Deputies, clerks and servants may refuse to proceed with any engagement, unless the fees payable thereon are first paid.

Fees by whom to be paid, &c.

51. Every owner or master of a ship engaging or discharging any seaman in a Shipping Office or before a Shipping Master, shall pay to the Shipping Master the whole of the fees hereby made payable in respect of such engagement or discharge, and may, for the purpose of in part reimbursing himself, deduct in respect of each such engagement or discharge from the wages of all persons (except apprentices) so engaged or discharged, and retain any sums not exceeding the sums specified in that behalf in the Table marked (B) in the second Schedule hereto: Provided that, if in any cases the sums which the owner is so entitled to deduct, exceed the amount of the fee payable by him, such excess shall be paid by him to the Shipping Master in addition to such fee.

Proviso as to excess.

Penalty on Shipping Master taking other remuneration.

52. Any Shipping Master, Deputy Shipping Master, or any clerk or servant in any Shipping Office, who demands or receives any remuneration whatever, either directly or indirectly, for hiring or supplying any seaman for any merchant ship, excepting the lawful fees payable under this Act, shall, for every such offence, incur a penalty not exceeding two hundred Rupees, and shall also be dismissed from his office.

Business of Shipping Office may be transacted at Custom House or elsewhere.

53. The Local Government may direct that, at any place at which no separate Shipping Office is established, the whole or any part of the business of the Shipping Office shall be conducted at the Custom House, or at the Office of the Master Attendant or Harbour Master, or at such other Office as the Government shall direct, and thereupon the same shall be there conducted accordingly; and in respect of such business such Custom House or Office as aforesaid shall for all purposes be deemed to be a Shipping Office, and the Officer of Customs or other Officer there, to whom such business is committed, shall for all purposes be deemed to be a Shipping Master within the meaning of this Act.

PART VI.—*Of the Examinations and Certificates of Masters and Mates.*

Examinations.

54. Examinations shall be instituted for persons who intend to become masters or mates of foreign-going ships, or of Home-trade ships, of a burden exceeding three hundred tons, or who wish to procure certificates of competency hereinafter mentioned.

Local Government to appoint examiners.

55. The Local Government or any Board or Officer duly authorized by the Local Government in that behalf shall, from time to time, nominate two or more competent persons for the purpose of examining the qualifications of the applicants for examination. The Local Government may, with the sanction of the Governor General of India in Council, make rules for the conduct of such examinations, and as to the qualifications to be required, and such rules shall be strictly adhered to by all examiners. Fees at the following rates shall be paid by all applicants for examination :—

Rules for conduct of examination.

Fees.

For a certificate as Master	...	Ten Rupees.
Ditto ditto as Mate	...	Five „

Certificates of competency.

56. The Local Government or such Board or Officer as aforesaid, shall deliver to every applicant who is reported by the examiners to have passed the examination satisfactorily, and to have given satisfactory evidence of his sobriety, experience, ability, and general good conduct on boardship, a certificate (hereinafter called a "certificate of competency") to the effect that he is competent to act as master or mate of a foreign-going ship, or of a Home-trade ship, of a burden exceeding three hundred tons, as the case may be.

57. Certificates of service differing in form from certificates of competency, shall be granted as follows (that is to say),—

Certificates of service

(1)—Every person who, before the passing of this Act, has served as master in the British merchant service or as master of any foreign-going ship registered under Act No. X of 1841, or who shall attain or has attained the rank of Lieutenant, Master, passed Mate, or second Mate, or any higher rank, in the service of Her Majesty or of the late East India Company, shall be entitled to a certificate of service as master for foreign-going ships:

(2)—Every person who, before the passing of this Act, has served as mate in the British merchant service or as mate of any such ship as aforesaid, shall be entitled to a certificate of service as mate for foreign-going ships:

(3)—Every person who, before the passing of this Act, has served as master or mate of a Home-trade ship of a burden exceeding three hundred tons, shall be entitled to a certificate of service as master or mate (according to such previous service) for such Home-trade ships:

And each of such certificates of service shall contain particulars of the name and of the length and nature of the previous service of the person to whom it is delivered; and the Local Government or such other authority as aforesaid shall deliver such certificates of service to the various persons so respectively entitled thereto upon their proving themselves to have attained such rank or to have served as aforesaid, and upon their giving a full and satisfactory account of the particulars aforesaid.

58. No foreign-going ship or Home-trade ship of a burden exceeding three hundred tons shall go to sea from any port in British India, unless the master and one officer besides the master have obtained and possess valid and appropriate certificates either of competency or service under this Act or under the Merchant Shipping Act, 1854; and whoever, having been engaged to serve as master or mate, goes to sea as aforesaid as such master or mate without being at the time entitled to and possessed of such a certificate as hereinbefore required, and whoever employs any person as such master or mate without ascertaining that he is at the time entitled to and possessed of such certificate, shall, for each such offence, be liable to a penalty of five hundred Rupees.

No foreign-going ship and no Home-trade ship above 300 tons to go to sea without certificated Master, &c.

59. Every certificate of competency for a foreign-going ship shall be deemed to be of a higher grade than the corresponding certificate for a Home-trade ship, and shall entitle the lawful holder thereof to go to sea in the corresponding grade in such last-mentioned ship; but no certificate for a Home-trade ship shall entitle the holder to go to sea as master or mate of a foreign-going ship.

Certificates for foreign-going ships available for Home-trade ships

60. All certificates, whether of competency or service, shall be made in duplicate, and one part shall be delivered to the person entitled to the certificate, and the other shall be kept and recorded as the Local Government shall direct. A note of all orders made for cancelling suspending, altering, or otherwise affecting any certificate in pursuance of the powers herein contained, shall be entered in the record of certificates.

Record of grants, cancellations, &c., of certificates.

61. Whenever any master or mate proves to the satisfaction of the Local Government or such other authority as aforesaid, that he has, without fault on his part, lost or been deprived of any certificate already granted to him, a copy of the certificate to which, by the record so kept as aforesaid, he appears to be entitled, shall be delivered to him, and shall have all the effect of the original.

Loss of certificate.

62. Sections 54 to 61 (both inclusive) shall not apply to ships registered under this Act, and trading between ports in India and the coast of Arabia, when such ships are navigated and manned exclusively by Arabs, Lascars, or other Asiatic Masters and Seamen.

Sections 54 to 61 of this Act not to apply to ships registered under this Act, under certain circumstances.

PART VII.—*Of the Engagement of Seamen.*

63. The Local Government, or any Board or Officer duly authorized by the Local Government in that behalf, may grant to such persons as may be deemed fit, licenses to engage or supply seamen for merchant ships, to continue for such periods, to be upon such terms, and to be revocable upon such conditions as the Government thinks proper.

Licenses to procure seamen.

64. The following offences shall be punishable as hereinafter mentioned (that is to say),—

Penalties.

(1)—If any person not licensed as aforesaid, other than the owner or master or mate of the ship, or some person who is *bonâ fide* the servant and in the constant employ of the owner, or a Shipping Master duly appointed as aforesaid, engages or supplies any seaman to be entered on board any ship, he shall for each seaman so engaged or supplied incur a penalty not exceeding one hundred Rupees.

For suplying seamen without license.

(2)—If any person employs any unlicensed person, other than persons so excepted as aforesaid, for the purpose of engaging or supplying any seaman to be entered on board any ship, he shall for each seaman so engaged or supplied incur a penalty not exceeding one hundred Rupees, and, if licensed, shall in addition forfeit his license.

For employing unlicensed persons.

(3)—If any person knowingly receives or accepts to be entered on board any ship any seaman who has been engaged or supplied contrary to the provisions of this Act, he shall for every seaman so engaged or supplied incur a penalty not exceeding one hundred Rupees.

For receiving seamen illegally supplied.

65. If any person demands or receives, either directly or indirectly, from any seaman, or from any person seeking employment as a seaman, or from any person on his behalf, any remuneration whatever, other than the fees hereby authorized, for providing him with employment, he shall for every such offence incur a penalty not exceeding fifty Rupees, and, if licensed as aforesaid, shall in addition forfeit his license.

Penalty for receiving remuneration from seamen for shipping them.

66. The master of every ship, except ships of a burden not exceeding three hundred tons employed only in the Home-trade, shall enter into an agreement with every seaman and with every Native of British India not being a seaman whom he carries to sea from any port in British India as one of his crew, in the manner hereinafter mentioned; and every such agreement shall be in a form sanctioned by the Governor General of India in Council, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman or other person aforesaid signs the same, and shall contain the following particulars as terms thereof (that is to say),—

Agreements with seamen and others.

(1)—The nature and, as far as practicable, the duration of the intended voyage or engagement:

(2)—The number and description of the crew, specifying how many are engaged as sailors:

(3)—The time at which each seaman and each Native of British India not being a seaman, is to be on board or to begin work:

(4)—The capacity in which each seaman and each Native of British India not being a seaman, is to serve:

(5)—The amount of wages which each seaman and each Native of British India not being a seaman, is to receive:

(6)—A scale of the provisions which are to be furnished to each seaman and to each Native of British India not being a seaman:

(7)—Any regulations as to conduct on board and as to fines, short allowance of provisions, or other lawful punishments for misconduct, which have been sanctioned by the Government as regulations proper to be adopted, and which the parties agree to adopt:

And every such agreement shall be so framed as to admit of stipulations to be adopted at the will of the master and seaman, and each Native of British India not being a seaman, in each case (not being inconsistent with the provisions of this Act), as to advance of wages and supply of warm clothing, and may contain any other stipulations which are not contrary to law: Provided that, if the master of any ship belonging to the United Kingdom or any British possession has an agreement with his crew, made in due form according to the law of the place to which such ship belongs, or in which her crew were engaged, and engages single seamen, or any Native of British India not being a seaman in any port in British India, such seaman or other person aforesaid may sign the agreement so made, and it shall not be necessary for such seaman or other person aforesaid to sign an agreement under this Act: Provided also that, in the case of lascars or other Native seamen, and every Native of India not being a seaman, when it shall be agreed that the service of any such seaman or other person aforesaid shall end at any port not in British India, the agreement shall contain stipulations for providing for such seaman or other person aforesaid fit employment on board some other vessel bound to the port at which he was shipped, or such other port as may be agreed on, or for providing for him a passage to some such port as aforesaid free of charge, or on such other terms as may be agreed on; and every such stipulation shall be signed by the owner of the vessel, or by the master on his behalf.

Proviso as to forms for British or Colonial ships.

Proviso where lascars, &c., are shipped.

67. It shall be lawful for any master or owner of a ship or his agent to enter into contract with lascars or Natives of British India, binding them to proceed to any port or ports in the Australian Colonies either as seamen or as passengers, and there to engage themselves as seamen in any ship which may happen to be there and to be bound to the United Kingdom or to any other part of Her Majesty's Dominions: Provided that every such contract shall be in such form, and shall contain such provisions, and shall be executed in such manner and under such conditions for securing the return of such lascars or Natives to their own country, and for other purposes as the Governor General of India in Council or the Local Government may direct. If any lascar or other person who has bound himself by any such contract is, on arriving in any of the said Colonies, required to enter into an agreement to serve as a seaman in any ship bound for the United Kingdom or to any other part of Her Majesty's Dominions, and if it is certified by some officer appointed for that purpose by the Governor of the said Colony that such agreement is a proper agreement in all respects for such lascar or other person to enter into, and is in accordance with the original contract, and that the ship to which such agreement relates is a proper ship for such lascar or other person to serve in, and is properly supplied with provisions, and that there is not in the opinion of such officer any objection to the full performance of the said contract, such lascar or other person shall be bound to enter into the said agreement, and to serve as a seaman in the ship to which it relates, and shall thereupon be deemed for all purposes one of the crew of the ship. If he refuses to enter into such agreement, he shall notwithstanding such refusal, be liable to the same consequences and be dealt with in all respects in the same manner as if he had voluntarily entered into the same. For every lascar or other person in respect of whom such certificate is applied for, the person applying for the same shall pay to such officer as aforesaid such fee as the Governor of the Colony may appoint.

Contracts may be made with lascars binding them to go to Australia and thence to serve in other ships to the United Kingdom.

68. It shall be lawful for any master or owner of a ship, or his agent, to enter into agreements with lascars or Natives of British India, binding them to proceed to any port or ports in the United Kingdom, either as seamen or as passengers, and there to enter into a

Contracts may be made with lascars binding them to go to the United Kingdom, and then to serve in other ships back to India or elsewhere.

further agreement to serve as seamen in any ship which may happen to be there, and to be bound to any port in British India: Provided that every such original agreement shall be made in such form, and shall contain such provisions, and shall be executed in such manner and under such conditions for securing the return of such lascars or Natives to their own country and for other purposes, as the Governor General of India in Council or the Local Government may direct. If any lascar or other person who has bound himself by any such original agreement is, on arriving in the United Kingdom, required to enter into a further agreement to serve as a seaman in any ship bound to any port in British India, and if it is certified by some Officer appointed for that purpose by the Government of India, that such further agreement is a proper agreement in all respects for such lascar or other person to enter into, and is in accordance with the original agreement, and that the ship to which such further agreement relates is in all respects a proper ship for such lascar or other person to serve in, and that there is not in the opinion of such Officer any objection to the full performance of the said original agreement, such lascar or other person shall be deemed to be engaged under such further agreement, and to serve as a seaman in the ship to which it relates, and shall thereupon be deemed to be for all purposes one of the crew of the ship. For every lascar or other person in respect of whom such certificate is applied for, the person applying for the same shall pay to such Officer as aforesaid such fee as the Government of India may appoint, not exceeding ten shillings.

For foreign-going ships agreements with seamen, except in special cases, to be made before and attested by a Shipping Master.

69. In the case of all foreign-going ships, in whatever part of Her Majesty's Dominions the same are registered, the following rules shall be observed with respect to agreements (that is to say),—

Agreement to be signed by seaman.

(1)—Every agreement made in any port in British India (except in such cases of agreements with substitutes as are hereafter specially provided for), shall be signed by each seaman in the presence of a Shipping Master.

Shipping Master to cause agreement to be explained to seaman.

(2)—Such Shipping Master shall cause the agreement to be read over and explained to each seaman, in a language understood by him, or shall otherwise ascertain that each seaman understands the same before he signs it, and shall attest each signature.

To be in duplicate.

(3)—When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the Shipping Master, and the other part shall contain a special place or form for the descriptions and signatures of substitutes or persons engaged subsequently to the first departure of the ship, and shall be delivered to the master.

Provision for substitutes.

(4)—In the case of substitutes engaged in the place of seamen who have duly signed the agreement, and whose services are lost within twenty-four hours of the ship's putting to sea by death, desertion, or other unforeseen cause, the engagement shall, when practicable, be made before some Shipping Master duly appointed in the manner hereinbefore specified. Whenever such last-mentioned engagement cannot be so made, the master shall, before the ship puts to sea if practicable, and if not, as soon afterwards as possible, cause the agreement to be read over and explained to the seamen; and the seamen shall thereupon sign the same in the presence of a witness, who shall attest their signatures.

Engagements between masters of foreign ships, and lascars.

70. When the master of a foreign ship being at any port in British India engages any lascar or other Native seaman to proceed to any port out of British India, he shall enter into an agreement with such seaman, and the agreement shall be made before a Shipping Master in the manner hereinbefore provided for the making of agreements in the case of foreign-going ships; and all the provisions of Sections 66 and 69 respecting the form of such agreements, and the stipulations to be contained in them and the making and signing of the same, shall be applicable to the engagement of such seaman; and the master of such foreign ship shall give to the Shipping Master a bond with the security of some approved person resident in British India for an amount calculated at the rate of one hundred Rupees for every such seaman, and conditioned for the due performance of the said agreement and stipulations.

Fees payable in respect of such engagements.

71. The fees prescribed in Section 51 shall be payable in respect of every such engagement, and deductions from the wages of seamen so engaged may be made to the extent and in the manner allowed by the said Section.

Penalty for master of foreign ship engaging lascars, otherwise than is allowed by Sections 71, 72.

72. If any lascar or other Native seaman is engaged by the master of any foreign ship otherwise than is allowed in the two last-preceding sections, such master shall be liable to a penalty of one hundred Rupees for every such seaman so engaged. It shall be lawful for the Shipping Master, by himself or his deputy, to enter on board any foreign ship upon which he shall have reason to believe that any such seaman has been shipped, and the provisions of Section 80 of this Act shall be applicable in respect of every such ship.

Shipping Master may board foreign ships suspected of unlawfully shipping lascars.

Foreign-going ships making short voyages may have running agreements.

73. In the case of foreign-going ships making voyages averaging less than six months in duration, running agreements with the crew may be made to extend over two or more voyages, so that no such agreement shall extend beyond the next following 30th day of June or 31st day of December, or the first arrival of the ship at her port of destination in British India after such date, or the discharge of cargo consequent upon such arrival. Every person entering into such agreement, whether engaged upon the first commencement thereof or otherwise, shall enter into and sign the same in the manner hereby required for other foreign-going ships; and every person engaged thereunder, if discharged in any port in British India, shall be discharged in the manner

hereby required for the discharge of seamen belonging to other foreign-going ships.

Engagement and discharge of seamen in the meantime.

74. The master of every foreign-going ship for which such a running agreement as aforesaid is made shall, upon every return to any port in British India before the final termination of the agreement, discharge or engage before the Shipping Master at such port any seaman whom he is required by law so to discharge or engage; and shall upon every such return endorse on the agreement a statement (as the case may be) either that no such discharges or engagements have been made or are intended to be made before the ship again leaves port, or that all such discharges or engagements have been duly made as hereinbefore required; and shall deliver the agreement so endorsed to the Shipping Master. Any master who wilfully makes a false statement in such endorsement shall incur a penalty not exceeding two hundred Rupees. The Shipping Master shall also sign an endorsement on the agreement to the effect that the provisions of this Act relating to such agreement have been complied with, and shall re-deliver the agreement so endorsed to the master.

Fees to be paid on such running agreements.

75. For the purpose of determining the fees to be paid upon the engagement and discharge of seamen belonging to foreign-going ships which have running agreements as aforesaid, the crew shall be considered to be engaged when the agreement is first signed, and to be discharged when the agreement finally terminates; and all intermediate engagements and discharges shall be considered to be engagements and discharges of single seamen.

In Home-trade ships agreement to be entered into before a Shipping Master or other witness.

76. In the case of Home-trade ships of a burden exceeding three hundred tons, crews or single seamen may, if the master thinks fit, be engaged before a Shipping Master in the manner hereinbefore directed with respect to foreign-going ships. In every case in which the engagement is not so made, the master shall, before the ship puts to sea if practicable, and if not, as soon afterwards as possible, cause the agreement to be read over and explained to each seaman, and the seaman shall thereupon sign the same in the presence of a witness, who shall attest his signature.

Special agreements for Home-trade ships belonging to same owner.

77. In cases where several Home-trade ships belong to the same owner, the agreement with the seamen may, notwithstanding anything herein contained, be made by the owner instead of by the master, and the seamen may be engaged to serve in any two or more of such ships, provided that the names of the ships and the nature of the service are specified in the agreement; but, with the foregoing exception, all provisions herein contained which relate to ordinary agreements for Home-trade ships shall be applicable to agreements made in pursuance of this Section.

Penalty for shipping seamen without agreement duly executed.

78. If in any case a master carries any seaman to sea without entering into an agreement with him in the form and manner, and at the place and time hereby in such case required, the master shall for each such offence incur a penalty not exceeding fifty Rupees.

Changes in crew to be reported.

79. The master of every foreign-going ship, of which the crew has been engaged before a Shipping Master, shall, before finally leaving British India, sign and send to the nearest Shipping Master a full and accurate statement in form sanctioned by a the Governor General of India in Council, of every change which takes place in his crew before finally leaving British India, and in default shall for each offence incur a penalty not exceeding fifty Rupees; and such statement shall be admissible in evidence subject to all just exceptions.

To prevent infraction of Act, shipping Master may board vessels and muster seamen.

80. For the purpose of preventing any seamen from being shipped at any port in India contrary to the provisions of this Act, the Shipping Master by himself or his deputy may enter at any time on board any ship upon which he shall have reason to believe that seamen have been shipped, and may muster and examine the several seamen employed therein. Any person who shall obstruct the said Shipping Master or deputy in such duty, shall be liable to a penalty not exceeding one hundred Rupees.

Production of agreements and certificates for foreign-going ships.

81. The following rules shall be observed with respect to the production of agreements and certificates of competency or service for foreign-going ships (that is to say),—

(1)—The master of every foreign-going ship shall, on signing the agreement with his crew, produce to the Shipping Master before whom the same is signed, the certificates of competency or service which the said master and his mate are hereby required to possess; and upon such production being duly made, and the agreement being duly executed as hereby required, the Shipping Master shall sign and give to the master a certificate to that effect.

(2)—In the case of running agreements for foreign-going ships, the Shipping Master shall, before the second and every subsequent voyage made after the first commencement of the agreement, sign and give to the master, on his complying with the provisions herein contained with respect to such agreements, and producing to the Shipping Master the certificate of competency or service of any mate then first engaged by him, a certificate to that effect.

(3)—The master of every foreign-going ship, shall, before proceeding to sea, produce the certificate so to be given to him by the Shipping Master as aforesaid to the Collector of Customs, or if there be no Collector of Customs, to the Officer whose duty it is to grant a port-clearance. No Officer of Customs or other Officer shall clear any such ship outwards without such production; and if any such ship attempts to go to sea without a clearance, any such Officer may detain her until such certificate as aforesaid is produced.

(4)—The master of every foreign-going ship shall, within forty-eight hours after the ship's arrival at her final port of destination in British India or upon the discharge of the crew, whichever first happens, deliver such agreement to a Shipping

Master at the place; and such Shipping Master shall thereupon give to the master a certificate of such delivery; and no Officer of Customs or other Officer shall clear any foreign-going ship inwards without the production of such certificate.

And if the master of any foreign-going ship fails to deliver the agreement to a Shipping Master at the time and in the manner hereby directed, he shall for every default incur a penalty not exceeding fifty Rupees.

Rules as to production of agreements and certificates for Home-trade ships.

82. The following rules shall be observed with respect to the production of agreements and certificates of competency or service for Home-trade ships of a burden exceeding three hundred tons (that is to say),—

(1)—No such agreement shall extend beyond the next following thirtieth day of June or thirty-first day of December, or the first arrival of the ship at her final port of destination in British India after such date, or the discharge of cargo consequent upon such arrival.

(2)—The master or owner of every such ship shall, within twenty-one days after the thirtieth day of June and the thirty-first day of December in every year, or (if the ship is not at any port in British India within twenty-one days after either the thirtieth day of June or the thirty-first day of December in any year), within forty-eight hours after her next arrival at any port in British India, transmit or deliver to some Shipping Master in British India every agreement made within the six calendar months next preceding such days respectively, and shall also produce to the Shipping Master the certificates of competency or service which the said master and his mate are hereby required to possess.

(3)—The Shipping Master shall thereupon give to the master or owner a certificate of such delivery and production; and no Officer of Customs or other Officer authorized to grant a port-clearance shall grant a clearance for any such ship without the production of such certificate; and if any such ship attempts to go to sea without such clearance, any such Officer may detain her until the said certificate is produced.

And if the agreement for any Home-trade ship is not delivered or transmitted by the master or owner to a Shipping Master at the time and in the manner hereby directed, such master or owner shall, for every default, incur a penalty not exceeding fifty Rupees.

Alterations to be void, unless attested to have been made with the consent of all parties.

83. Every erasure, interlineation, or alteration in any such agreement with seamen, as is required by this Act (except additions so made as hereinbefore directed for shipping substitutes or persons engaged subsequently to the first departure of the ship), shall be wholly inoperative, unless proved to have been made with the consent of all the persons interested in such erasure, interlineation, or alteration by the written attestation (if made in Her Majesty's Dominions) of some Shipping Master, Justice, Officer of Customs, or other public functionary, or (if made out of Her Majesty's Dominions) of a British Consular Officer, or where there is no such Officer, of two respectable British Merchants.

Copy of agreement to be made accessible to crew.

84. The master shall, at the commencement of every voyage or engagement cause a legible copy of the agreement, and if necessary a translation thereof in a language understood by the majority of the crew (omitting the signatures), to be placed or posted up in such part of the ship as to be accessible to the crew, and in default shall for each offence incur a penalty not exceeding fifty Rupees.

Seamen discharged before voyage to have compensation.

85. Any seaman who has signed an agreement, and is afterwards discharged before the commencement of the voyage, or before one month's wages are earned, without fault on his part justifying such discharge, and without his consent, shall be entitled to receive from the master or owner, in addition to any wages he may have earned, due compensation for the damage thereby caused to him, not exceeding one month's wages, and may, on adducing such evidence as the Court or Magistrate hearing the case deems satisfactory, of his having been so improperly discharged as aforesaid, recover such compensation as if it were wages duly earned.

Relief of destitute lascars.

86. The Government of India shall take charge of and send home, or otherwise provide for, all persons being lascars or other Natives of British India who are found destitute in the United Kingdom; and if any such person is relieved or maintained by any guardians, overseers, or other persons administering the relief of the poor, such overseers, guardians, or other persons may, by letter sent through the Post or otherwise, give notice thereof in writing to the Permanent Under-Secretary of State for India, specifying, so far as is practicable, the following particulars, *viz.*:—

(1)—The name of the person so relieved or maintained.

(2)—The Presidency or District or part of British India of which he professes to be a native.

(3)—The name of the ship in which he was brought to the United Kingdom.

(4)—The port or place abroad from which such ship sailed, and the port or place in the United Kingdom at which such ship arrived, when he was so brought to the United Kingdom, and the time of such arrival.

And the Government of India shall repay to the said overseers, guardians, or other persons, out of the revenues of British India, all moneys duly expended by them in relieving or maintaining such destitute person, after the time at which such notice aforesaid is sent or otherwise given.

PART VIII.—OF SEAMEN'S WAGES.

(a)—Regulation of Advances.

Regulation of advances and advance-notes.

87. No advance of wages shall be made or advance-note given to any person but the seaman himself. No advance of wages shall be made or advance-note given for any greater sum than the amount of one month's wages, nor unless the agreement contains a stipulation for the same and

an accurate statement of the amount thereof. No advance-note shall be given to any seaman who signs the agreement before a Shipping Master, unless in the presence of such Shipping Master.

Advances irregularly or improperly made, not to be a discharge of wages.

88. If any advance of wages is made or any advance-note given to any seaman in any such manner as to constitute a breach of any of the above provisions, the wages of such seaman shall be recoverable by him as if no such advance had been made or advance-note given, and in the case of any advance-note so given, no person shall be sued thereon under the provisions hereinafter contained, unless he was in person or by his agent a party to the irregular or improper manner of giving the same.

(b)—Allotment of Wages.

Stipulations for allotment, to be inserted in the agreement.

89. All stipulations for the allotment of any part of the wages of a seaman during his absence, which are made at the commencement of the voyage, shall be inserted in the agreement, and shall state the amounts and times of the payments to be made. All allotment-notes shall be in forms sanctioned by the Local Government, and shall be made for the benefit only of a relative of the seaman or some member of his family to be named in the note, and shall be payable to the Shipping Master on account of such relative of the seaman or member of his family. Such allotment shall not in any case exceed one-third of the wages of the seaman.

Allotment-notes.

Owner, &c., to pay to Shipping Master the sums allotted.

90. The owner or any agent who has authorized the drawing of an allotment-note shall pay to the Shipping Master on demand the sums allotted by the note, when and as the same are made payable, unless the seaman is shown in manner hereinafter mentioned to have forfeited or ceased to be entitled to the wages out of which the allotment is to be paid. In the event of such sums not being paid to the Shipping Master on demand, the Shipping Master may sue for and recover them with costs. The seaman shall be presumed to be duly earning his wages, unless the contrary is shown to the satisfaction of the Court or Magistrate, either by the official statement of the change in the crew caused by his absence made and signed by the master, as by this Act is required, or by a duly certified copy of some entry in the official log-book to the effect that he has died or left the ship, or by a credible letter from the master of the ship to the same effect, or by such other evidence, of whatever description, as the Court or Magistrate trying the case considers sufficient to show satisfactorily that the seaman has ceased to be entitled to the wages out of which the allotment is to be paid.

Suits on allotment-notes.

Evidence.

Receipts and payments by Shipping Master on account of allotment-notes.

91. The Shipping Master, on receiving any such sum as aforesaid, shall pay it over to the person named in the allotment-note. All such receipts and payments shall be entered in a book, and all entries in the said book shall be authenticated by the signature of the Shipping Master or his deputy, and the said book shall be at all times open to the inspection of the parties concerned.

(c)—Discharge and payment of Wages.

Discharge from foreign-going ships to be made before Shipping Master.

92. All seamen discharged from any foreign-going ship at any port in British India in whatever part of Her Majesty's dominions the ship is registered, shall be discharged and receive their wages in the presence of a Shipping Master duly appointed under this Act, except in cases where some competent Court otherwise directs. And any master or owner of any such ship who discharges any seaman belonging thereto, or except as aforesaid pays his wages in any other manner, shall incur a penalty not exceeding one hundred Rupees. In the case of Home-trade ships of a burden exceeding three hundred tons, seamen may, if the owner or master so desires, be discharged and receive their wages in like manner.

Master to deliver account of wages.

93. Every master shall, not less than twenty-four hours before paying off or discharging any seaman, deliver to him, or, if he is to be discharged before a Shipping Master, to such Shipping Master, a full and true account, in a form sanctioned by the Local Government, of his wages and of all deductions to be made therefrom on any account whatever, and in default shall for each offence incur a penalty not exceeding fifty Rupees. No deduction from the wages of any seamen (except in respect of any matter happening after such delivery) shall be allowed unless it is included in the account so delivered. The master shall during the voyage enter the various matters in respect of which such deductions are made, with the amounts of the respective deductions as they occur, in a book to be kept for that purpose, and shall, if required, produce such book at the time of the payment of wages and also upon the hearing before any competent authority of any complaint or question relating to such payments.

On discharge, masters to give seamen certificates of discharge, and return certificates of competency or service to mates.

94. Upon the discharge of any seaman or upon payment of his wages, the master shall sign and give him a certificate of his discharge, in a form sanctioned by the Local Government, specifying the period of his service and the time and place of his discharge. If any master fails to sign and give to any such seaman such certificate of discharge, he shall, for each such offence, incur a penalty not exceeding one hundred Rupees. The master shall also, upon the discharge of every certificated mate whose certificate of competency or service has been delivered to and retained by him, return such certificate, and shall in default incur a penalty not exceeding two hundred Rupees.

Shipping Master may decide questions which parties refer to him.

95. Every Shipping Master shall hear and decide any question whatever between a master or owner and any of his crew which both parties agree in writing to submit to him; and every award so made by him shall be binding on both parties, and shall in any legal proceeding which may be taken in the matter before any Court or Magistrate, be deemed to be conclusive

as to the rights of the parties; and any document purporting to be such submission or award shall be *primâ facie* evidence thereof. An award made by a Shipping Master under this section may be enforced by a Magistrate in the same manner as an order for the payment of wages made by such Magistrate under the provision of Section 106.

Enforcement of award

96. In any proceeding relating to the wages, claims, or discharge of any seaman carried on before any Shipping Master under the provisions of this Act, such Shipping Master may call upon the owner or his agent or upon the master or any mate or other member of the crew, to produce any log-books, papers, or other documents in their respective possession or power relating to any matter in question in such proceeding, and may call before him and examine any of such persons being then at or near the place on any such matter. Every owner, agent, master, mate, or other member of the crew who, when called upon by the Shipping Master, does not produce any such paper or document as aforesaid if in his possession or power, or does not appear and give evidence, shall, unless he shows some reasonable excuse for such default, for each such offence incur a penalty not exceeding fifty Rupees.

Master and others to produce ship's papers to Shipping Masters, and give evidence.

97. The following rules shall be observed with respect to the settlement of wages (that is to say),—

Rules as to Settlement of wages.

(1)—Upon the completion before a Shipping Master of any discharge and settlement, the master or owner and each seaman shall respectively, in the presence of the Shipping Master, sign, in a form sanctioned by the Local Government, a mutual release of all claims in respect of the past voyage or engagement, and the Shipping Master shall also sign and attest the release and shall retain the same.

Release to be signed before and attested by the Shipping Master.

(2)—Such release so signed and attested shall operate as a mutual discharge and settlement of all demands between the parties thereto in respect of the past voyage or engagement.

To be a discharge.

(3)—A copy of such release, certified under the hand of such Shipping Master to be a true copy, shall be given by him to any party thereto requiring the same, and such copy shall be receivable in evidence upon any future question touching such claims as aforesaid, and shall have all the effect of the original of which it purports to be a copy.

And to be evidence.

(4)—In cases in which discharge and settlement before a Shipping Master are hereby required, no payment, receipt, settlement, or discharge otherwise made shall operate or be admitted as evidence of the release or satisfaction of any claim.

No other receipt to be a discharge.

(5)—Upon any payment being made by a master before a Shipping Master, the Shipping Master shall, if required, sign and give to such master a statement of the whole amount so paid, and such statement shall, as between the master and his employer, be received as evidence that he has made the payments therein mentioned.

Voucher to be given to master and to be evidence.

(d)—Legal Rights to Wages.

98. A seaman's right to wages and provisions shall be taken to commence either at the time at which he commences work, or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens.

Right to wages and provisions when to begin.

99. No seaman shall by any agreement forfeit his lien upon the ship, or be deprived of any remedy for the recovery of his wages to which he would otherwise have been entitled; and every stipulation in any agreement inconsistent with any provision of this Act, and every stipulation by which any seaman consents to abandon his rights to wages in the case of the loss of the ship, or to abandon any right which he may have or obtain in the nature of salvage, shall be wholly inoperative. Nothing contained in the former part of this section shall apply to the case of any stipulation made by the seamen belonging to any ship, which, according to the terms of the agreement, is to be employed on salvage service, with respect to the remuneration to be paid to them for salvage services to be rendered by such ship to any other ship or ships.

Seamen not to give up certain rights.

Salvage services.

100. No right to wages shall be dependent on the earning of freight. Every seaman and apprentice who would be entitled to demand and recover any wages, if the ship in which he has served had earned freight, shall, subject to all other rules of law and conditions applicable to the case, be entitled to claim and recover the same notwithstanding that freight has not been earned; but in all cases of wreck or loss of the ship, proof that he has not exerted himself to the utmost to save the ship, cargo and stores, shall bar his claim.

Wages not to be dependent on the earning of freight.

101. If any seaman or apprentice to whom wages are due under the last preceding section dies before the same are paid, they shall be paid and applied in the manner hereinafter specified with regard to the wages of seamen who die during a voyage.

In case of death, such wages to be paid as after-mentioned.

102. In cases where the service of any seamen terminates before the period contemplated in the agreement by reason of the wreck or loss of the ship, and also in cases where such service terminates before such period as aforesaid by reason of his being left on shore at any place abroad under a certificate of his unfitness or inability to proceed on the voyage granted under the provisions of the Merchant Shipping Act, 1854, such seaman shall be entitled to wages for the time of service prior to such termination as aforesaid, but not for any further period.

Rights to wages in case of termination of service by wreck or illness.

103. No seaman or apprentice shall be entitled to wages for any period during which he unlawfully refuses or neglects to work when required, whether before or after the

Wages not to accrue during refusal to work or imprisonment.

time fixed by the agreement for his beginning work; nor, unless the Court or Magistrate hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offence committed by him.

Period within which wages are to be paid.

104. The master or owner of every ship shall pay to every seaman his wages within three days after the cargo has been delivered, or within five days after the seaman's discharge, whichever first happens. The seaman shall, at the time of his discharge, be entitled to be paid on account a sum equal to one-fourth part of the balance due to him. Every master or owner who neglects or refuses to make payment in manner aforesaid without sufficient cause, shall pay to the seaman a sum not exceeding the amount of two days' pay for each of the days not exceeding ten days during which payment is delayed beyond the respective periods aforesaid, and such sum shall be recoverable as wages.

What sum in the current coin of India shall be recovered by seaman under an agreement expressing his wages, &c., to be payable in a foreign coin.

105. When any monies are payable in British India to any seaman or apprentice for wages, or otherwise under any agreement wherein such monies are expressed to be payable in some denomination of coin other than the current coin of the port or place wherein the same have become payable, the seaman or apprentice shall be entitled to demand and recover, in the current coin of such port or place, the amount due to him estimated according to the established par value of the coin wherein the same is so expressed to be payable.

(e)—Mode of recovering Wages.

Seaman may sue summarily before any Magistrate for wages not exceeding 500 Rupees.

106. Any seaman or apprentice, or any person duly authorized on his behalf, may sue, in a summary manner, before any Magistrate acting in or near to the place at which the service has terminated, or at which the seaman or apprentice has been discharged, or at which any person upon whom the claim is made is or resides, for any amount of wages due to such seaman or apprentice not exceeding five hundred Rupees. Every order made by such Magistrate in the matter, shall be final.

Order of Magistrate to be final.

Levy of wages by distress.

107. When an order for the payment of wages is made by a Magistrate under the last preceding section, and the wages are not paid at the time and in the manner prescribed, the sum mentioned in the order, with such further sum as may be thereby awarded for costs, shall be levied by distress and sale of the goods and chattels of the person directed to pay the same under a warrant to be issued for that purpose by the Magistrate.

No suit for wages under 500 Rupees to be instituted in Admiralty Court, &c., except in certain cases.

108. No suit or proceeding for the recovery of wages under the sum of five hundred Rupees shall be instituted by or on behalf of any seaman or apprentice in any Court of Admiralty or Vice-Admiralty, or in any Court of Civil Judicature other than the Court of Small Causes, where such Court exists, unless the owner of the ship is adjudged bankrupt or declared insolvent, or unless the ship is under arrest, or is sold by the authority of any such Court, or unless the Magistrate, acting under the authority of this Act, refers the case to be adjudged by such Court.

Master to have same remedies for wages as seamen.

109. Every master of a ship, whether British or foreign, shall, so far as the case permits, have the same rights, liens and remedies for the recovery of his wages (subject to all just deductions) which by this Act or by any law or custom any seaman, not being a master, has for the recovery of his wages; and if, in any proceeding in any Court of Admiralty or Vice-Admiralty touching the claim of a master to wages, any right of set-off or counter-claim is set up, it shall be lawful for such Court to enter into and adjudicate upon all questions, and to settle all accounts then arising or outstanding and unsettled between the parties to the proceeding, and to direct payment of any balance which is found to be due.

Explanation.—A master is entitled, under this section and section 104, to double pay for the number of days (not exceeding ten) during which the payment of his wages is improperly withheld; but he is not so entitled if he himself causes the delay by improperly keeping back the accounts of the ship.

PART IX.—*Of the Wages and Effects of deceased Seamen.*

Master to take charge of effects of deceased seamen.

110. Whenever a seaman or apprentice, on a voyage which is to terminate at any port in British India dies during such voyage, the master shall take charge of all money, clothes and effects which he leaves on board, and shall enter in the official log-book a statement of the amount of money, and a description of the effects left by the deceased, and in case of a sale of such effects, the sum received for each article sold.

Effects and wages to be paid to Shipping Master with full accounts.

111. The master shall, within forty-eight hours after his arrival at his port of destination in British India, deliver any such effects as aforesaid, and pay any money which he has taken charge of or received, and also the wages due to deceased, to the Shipping Master at such port, and shall give to such Shipping Master an account of the effects, money and wages so to be delivered and paid. No deductions claimed in such account shall be allowed unless verified, if there is an official log-book, by the entry therein hereinbefore required, and also by such other vouchers (if any) as may be reasonably required by the Shipping Master to whom the account is rendered.

Penalties for not taking charge of or accounting for such monies and effects.

112. If the master fails to take such charge of the money or other effects of a seaman or apprentice dying during a voyage, or to make such entries in respect thereof, or to make such payment or delivery, or to give such account as hereinbefore

respectively directed, he shall be accountable for the money, wages and effects of the seaman or apprentice to the Shipping Master as aforesaid, and shall pay and deliver the same accordingly; and such master shall in addition incur a penalty not exceeding treble the value of the money or effects, or if such value is not ascertained, not exceeding five hundred Rupees. All money, wages and effects of any seaman or apprentice dying during a voyage shall be recoverable in the same Courts, and by the same modes of proceeding by which seamen are hereby enabled to recover wages due to them.

Wages and property of deceased seamen may be paid without probate.

113. When money or effects left by or due to any deceased seaman or apprentice, are paid or delivered to a Shipping Master, then, subject to such deductions for expenses incurred in respect of the seaman or apprentice, or of his said money and effects as the Shipping Master thinks proper to allow, the Shipping Master may pay and deliver the said money and effects to any claimants who can prove themselves to the satisfaction of the said Shipping Master to be entitled thereto, and the said Shipping Master shall be thereby discharged from all further liability in respect of the money and effects so paid and delivered; or if he think fit so to do, the Shipping Master may require probate or letters of administration or a certificate under Act No. XX of 1841 *(for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons)*, to be taken out, and thereupon pay and deliver the said money and effects to the legal representative of the deceased.

Disposal of wages or effects of deceased seamen, not claimed within one year.

114. In cases of wages or effects of deceased seamen or apprentices received by any Shipping Master to which no claim is substantiated within one year from the receipt thereof by such Shipping Master, it shall be the duty of the Shipping Master to cause such effects to be sold and to pay the proceeds of the sale and the unclaimed wages into the public Treasury.

If subsequent claim be made thereto.

If any subsequent claim is made to such money, and is established to the satisfaction of the Shipping Master, the amount or so much as shall appear to be due to the claimant, shall be paid out of the public Treasury. If the claim is not established to the satisfaction of the Shipping Master, the claimant may apply by petition in a summary way to the High Court of Judicature at Fort William, Madras or Bombay, as the case may be, and such Court, after taking evidence either orally or on affidavit, shall make such order on the petition as shall seem just: Provided that, after the expiration of six years from the receipt of such wages or effects by the Shipping Master, no such claim shall be entertained without the sanction of the Local Government.

Proviso.

PART X.—*Of the Provisions, Health, and Accommodation of Seamen.*

Survey of provisions and water on complaint made.

115. Any three or more of the crew of any ship registered at, trading with, or being at any port or place in British India, may complain to any Shipping Master or other Officer duly appointed in this behalf by the Local Government that the provisions or water for the use of the crew are at any time of bad quality, unfit for use, or deficient in quantity. Such Officer may thereupon examine the said provisions or water or cause them to be examined; and if, on examination, such provisions or water are found to be of bad quality and unfit for use, or to be deficient in quantity, the person making such examination shall signify the same in writing to the master of the ship. If such master does not thereupon provide other proper provisions or water in lieu of any so signified to be of a bad quality and unfit for use, or does not procure the requisite quantity of any so signified to be insufficient in quantity, or uses any provisions or water which have been so signified as aforesaid to be of a bad quality and unfit for use, he shall, in every such case, incur a penalty not exceeding two hundred Rupees. Upon every such examination as aforesaid, the Officers making or directing the same shall enter a statement of the result of the examination in the official log, and shall send a report thereof to the Shipping Master, and such report, if produced out of the custody of such Shipping Master, shall be received in evidence in any legal proceeding.

Forfeiture for frivolous complaint.

116. If the Officer to whom any such complaint as last aforesaid is made, certifies in such statement as aforesaid that there was no reasonable ground for such complaint, each of the parties so complaining shall be liable to forfeit to the owner out of his wages a sum not exceeding one week's wages.

Allowance for short or bad provisions.

117. In the following cases (that is to say),—

(1)—If during a voyage the allowance of any of the provisions which any seaman has by his agreement stipulated for, is reduced (except in accordance with any regulations for reduction by way of punishment contained in the agreement, and also except for any time during which such seaman wilfully and without sufficient cause refuses or neglects to perform his duty or is lawfully under confinement for misconduct, either on board or on shore):

(2)—If it is shown that any of such provisions are or have during the voyage been bad in quality and unfit for use.

The seaman shall receive by way of compensation for such reduction or bad quality, according to the time of its continuance, the following sums, to be paid to him in addition to and to be recoverable as wages (that is to say),—

(1)—If his allowance is reduced by any quantity not exceeding one-third of the quantity specified in the agreement, a sum not exceeding three annas in the case of a European seaman or other person shipped on the same footing as a European seaman, or one anna in the case of a lascar or Native seaman:

(2)—If his allowance is reduced by more than one-third of such quantity, six annas in the case of a European seaman or other person shipped on the same footing as a European seaman, or two annas in the case of a lascar or Native seaman:

(3)—In respect of such bad quality as aforesaid, a sum not exceeding eight annas in the case of a European seaman or other person shipped on the same footing as a European seaman, or three annas in the case of a lascar or Native seaman:

But if it is shown to the satisfaction of the Court or Magistrate trying the case, that any provisions, the allowance of which has been reduced, could not be procured, or supplied in proper quantities, and that proper and equivalent substitutes were supplied in lieu thereof, such Court or Magistrate shall take such circumstances into consideration, and shall modify or refuse compensation as the justice of the case may require.

Illustration.—Owing to the unexpected length of a voyage, the crew of a vessel are put on short allowance. They are entitled to compensation under this section.

Medicines, &c., to be provided and kept on board certain ships.

118. All foreign-going ships and all Home-trade ships of a burden exceeding three hundred tons, shall have always on board a sufficient supply of medicines and appliances, suitable for diseases and accidents likely to happen on sea-voyages, according to such scale as shall be from time to time issued by the Local Government with the approval of the Governor General of India in Council, and published at Calcutta, Madras, and Bombay in the *Gazettes*, and in default thereof, the owner or master of every such ship shall be liable to a penalty not exceeding two hundred Rupees: Provided, however, that this section shall not apply to ships navigating from the United Kingdom and coming within the provisions of Section 224 of the Merchant Shipping Act, 1854. Nothing herein contained shall interfere with a seaman's right to maintain a suit in respect of a special damage resulting to him from the breach of the duty imposed by this section.

Proviso.

Masters to keep weights and measures on board.

119. Every master shall keep on board proper weights and measures for the purposes of determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out such provisions and articles in the presence of a witness whenever any dispute arises about such quantities, and in default shall for every offence incur a penalty not exceeding one hundred Rupees.

Expense of medical attendance and subsistence in case of illness, how to be defrayed.

120. Whenever the master or any seaman of any ship registered at any place in British India shall receive any hurt or injury in the service of the vessel, the expense of providing the necessary surgical and medical advice and attendance with medicines, and of his subsistence, until he shall be cured or shall be brought back to the port from which he was shipped or other port agreed upon, shall be defrayed, with the cost of his conveyance to such port, by the owner of the vessel without any deduction on that account from the wages of such master, officer, or seaman; and if paid by himself may be recovered as part of his wages; and if paid or allowed out of any monies forming part of the revenues of British India, shall be a charge upon the ship, and may be recovered with full costs of suit by the Secretary of State in Council.

Place to be appropriated.

121. A place or places of shelter shall be provided below a well-caulked and substantial deck for the men engaged under this Act. Such place or places shall be so arranged as to allow for the men the following spaces:—

To European seamen.

(1)—For each European seaman or apprentice, or other person shipped on the same footing as an European seaman, nine superficial feet if the place be not less than six feet in height from deck to deck, or fifty-four cubic feet if the height from deck to deck be less than six feet:

To lascars or Native seamen.

(2)—For each lascar or Native seaman, or other person shipped on the same footing as a lascar, four superficial feet, and if the place allotted be under the top-gallant forecastle, such forecastle deck shall be not less than four feet six inches above the one below it.

Place to be kept clear.

Every such place shall be kept free from stores or goods of any kind, not being the personal property of the crew in use during the voyage.

Penalty if place be not properly constructed.

If any such place in any ship is not in the whole sufficiently large to give such space for each seaman and apprentice as hereinbefore required, or is not properly caulked and in all other respects securely and properly constructed and well ventilated, the owner shall, for every such failure to comply with the provisions of this section, incur a penalty not exceeding two hundred Rupees.

Penalty for not keeping space clear.

If any such space as aforesaid is not kept free from goods and stores as aforesaid, the master shall, for every such failure to comply with the provisions of this section, incur a penalty not exceeding one hundred Rupees.

Shipping Master, &c., may board any ship, and inspect provisions, &c.

122. The Shipping Master at any port in British India, by himself or his deputy, may enter at any time on board of any ship upon which seamen have been shipped at such port, and inspect the provisions and water provided for the use of the crew, and the medicines and appliances and the accommodation for seamen prescribed by this Act or by the Merchant Shipping Act, 1854. If on inspection the provisions or water are found to be of bad quality and unfit for use or to be deficient in quantity, the Shipping Master shall proceed as provided in Section 115, and the penalty prescribed in the said section shall be incurred by any default of the master of the ship in respect of such provisions or water.

Procedure if provisions, &c., are found to be of a bad quality.

PART XI.—*Of Complaints by Seamen.*

Seamen to be allowed to go ashore to make complaint to a Magistrate.

123. If any seaman or apprentice, whilst on board any ship, states to the master that he desires to make complaint to a Magistrate against the master or any of the crew, the said master shall, if the ship is then at a place where there is a Magistrate, so soon as the service

of the ship will permit, and if the ship is not then at such a place, so soon after her first arrival at such a place as the service of the ship will permit, allow such seaman to go ashore, or send him ashore in proper custody, so that he may be enabled to make such complaint, and shall in default incur a penalty not exceeding one hundred Rupees.

PART XII.—*Of Protection of Seamen from Imposition.*

Sale of and charge upon wages to be invalid.

124. No wages due are accruing to any seamen or apprentice shall be subject to attachment from any Court. Every payment of wages to a seaman shall be valid in law, notwithstanding any previous sale or assignment of such wages or of any incumbrance thereon. No assignment or sale of such wages, or of salvage made prior to the accruing thereof, shall bind the party making the same. No power of attorney or authority for the receipt of any such wages or salvage shall be irrevocable.

No debt exceeding three Rupees recoverable till end of voyage.

125. No debt exceeding in amount three Rupees incurred by any seaman after he has engaged to serve, shall be recoverable until the service agreed for is concluded.

Penalty for overcharges by lodging-house-keepers.

126. If any person demands or receives from any seaman or apprentice payment in respect of his board or lodging in the house of such person for a longer period than such seaman or apprentice has actually resided or boarded therein, he shall incur a penalty not exceeding one hundred Rupees.

Penalty for detaining seamen's effects.

127. If any person receives or takes into his possession or under his control any monies, documents, or effects of any seaman or apprentice, and does not return the same or pay the value thereof when required by such seaman or apprentice, subject to such deduction as may be justly due to him from such seaman or apprentice in respect of board or lodging or otherwise, or absconds therewith, he shall incur a penalty not exceeding one hundred Rupees. Any Magistrate may, besides inflicting such penalty by summary order, direct the amount or value of such monies, documents, or effects, subject to such deduction as aforesaid, to be forthwith paid to such seaman or apprentice.

Persons not to go on board before the final arrival of ship, without permission.

128. Every person who, not being in the service of Her Majesty, and not being duly authorized by law for the purpose, goes on board any ship about to arrive at the place of her destination before her actual arrival at the place of her discharge, without the permission of the master, shall, for every such offence, incur a penalty not exceeding two hundred Rupees. The master or person in charge of such ship may take any such person so going on board as aforesaid into custody, and deliver him up forthwith to any Police Officer, to be by him taken before a Magistrate to be dealt with according to the provisions of this Act.

Penalty for solicitations by lodging-house-keepers.

129. If, within twenty-four hours after the arrival of any ship at any port in British India, any person then being on board such ship solicits any seaman to become a lodger at the house of any person letting lodgings for hire, or takes out of such ship any effects of any seaman, except under his personal direction and with the permission of the master, he shall, for every such offence, incur a penalty not exceeding fifty Rupees.

PART XIII.—*Of Discipline.*

Penalty for misconduct endangering ship or life or limb.

130. Any master of, or any seaman or apprentice belonging to any ship registered at, trading with, or being at any port or place in British India, who by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, does any act tending to the immediate loss, destruction, or serious damage of such ship, or tending immediately to endanger the life or limb of any person belonging to or on board of such ship, or who by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board of such ship from immediate danger to life or limb, shall, for every such offence, be liable to imprisonment, with or without hard labour, for a term not exceeding two years.

Explanation.—To sustain a charge under this section, it is not necessary that the act done or omitted should be followed by actual loss, destruction, or damage of the ship.

Admiralty Court in British India may in certain cases remove master and appoint a new master.

131. Any Court having Admiralty jurisdiction in British India may, upon application by the owner of any ship being within the jurisdiction of such Court, or by the part owner or consignee, or by the agent of the owner, or by any certificated mate, or by one-third or more of the crew of such ship, and upon proof on oath to the satisfaction of such Court that the removal of the master of such ship is necessary, remove him accordingly; and may also, with the consent of the owner or his agent, or the consignee of the ship, or if there is no owner or agent of the owner or consignee of the ship within the jurisdiction of the Court, then without such consent, appoint a new master in his stead, and may also make such order and may require such security in respect of costs in the matter as it thinks fit.

Court authorized to make enquiry into charges against masters, mates, and engineers, and to report to Local Government.

132. Every Court having Admiralty jurisdiction in British India, and the principal Court of Ordinary Criminal Jurisdiction at every Port in British India where there is no Court having Admiralty jurisdiction, may, upon application by the Advocate General of the Presidency in which such Court is situate, or by any of the applicants mentioned in Section 131, investigate and try charges of incompetency or misconduct on the part of any master, mate, or engineer of any ship, who shall have obtained his certificate from the Board of

Trade, or from any Local Government, and make enquiry as to shipwreck or other casualties affecting ships, wherever such shipwreck or causalties may have occurred. If on such investigation it shall appear to any such Court as aforesaid that the loss or abandonment of, or any serious damage to, any ship, or loss of life, has been caused by the wrongful act or default of any such master, mate, or engineer, or that any such master, mate, or engineer has been guilty of any gross act of misconduct, drunkenness, or tyranny, such Court may suspend, for such period as it shall think fit, or may cancel such certificate, whether of competency or service, of such master, mate, or engineer, and the Court shall report the same to the Local Government within whose limits such Court is situated: Provided that no certificate shall be cancelled or suspended, unless a copy of the report, or a statement of the case upon which the investigation is made, shall have been furnished to the owner of the certificate before the commencement of the investigation: Provided also that the report of such Court is confirmed by the Local Government last aforesaid.

Proviso.

133. Every Court by which any investigation or trial is held under Section 132, shall, at the conclusion of the case, or as soon afterwards as possible, state in open Court the decision to which they may have come with respect to cancelling or suspending certificates, and shall, in cases where the certificate has been granted by the Board of Trade, send a full report upon the case with the evidence to the Board of Trade; and shall also, if they determine to cancel or suspend any such certificate, forward the same to the Board of Trade with their report. In cases where the certificate has been granted by any Local Government, the Court shall send a full report upon the case with the evidence to such Local Government; and shall also, if they determine to cancel or suspend any such certificate, forward the same with their report to the same Local Government.

Procedure of such Court.

134. If the Local Government, on the information of any Shipping Master, or on any other ground, has reason to believe that any master or mate who has obtained a certificate of competency or service from such Government, or from any other Local Government, is, from incompetency or misconduct, unfit to discharge his duties, it may direct any Board or Officer at or near to the place at which it may be convenient for the parties and witnesses to attend, to institute an investigation; and thereupon such Board or Officer shall conduct the investigation into such charge of incompetency or misconduct, and shall, on the conclusion of the investigation, make a report upon the case to the Local Government which ordered the investigation.

Local Government may direct investigation in cases of incompetency and misconduct.

135. For the purpose of any such enquiry under Section 132 or Section 134, the Court, Board, or Officer may summon the master, mate, or engineer, as the case may be, to appear, and shall give him full opportunity of making a defence, either in person or otherwise, and may summon and examine witnesses, and may make such order with respect to the costs of such investigation, and may require such security for costs, as such Court, Board, or Officer may deem just. Every order in respect of costs under this section may be enforced in like manner as a fine may be enforced by a Magistrate in the port where such investigation is held.

Powers of Court, &c., in making enquiry.

136. The Local Government may suspend or cancel the certificate (whether of competency or service) granted by such Local Government, or by any other Local Government, under Act No. I of 1859, or this Act, to any master or mate, in the following cases (that is to say),—

Local Government may cancel or suspend certificates in certain cases.

(1)—If upon any investigation conducted under the provisions of Sections 43, 44 and 45, it is reported that the loss or abandonment of, or serious damage to, any ship, or loss of life, has been caused by his wrongful act or default:

Loss, abandonment, or serious damage by default of master or mate.

(2)—If upon any investigation held under Section 134, the master or mate shall be reported to be incompetent, or to have been guilty of any gross act of misconduct, drunkenness, or tyranny:

Incompetency, gross misconduct, drunkenness, or tyranny of master or mate.

(3)—If upon any investigation held under the provisions of the Merchant Shipping Act, 1854, or the Merchant Shipping Amendment Act, 1862, or upon any investigation made by a Naval Court constituted as is provided by any law for the time being in force, or upon any investigation made by any Court or Tribunal authorized or hereafter to be authorized by the Legislative authority in any British possession to make enquiry into charges of incompetency or misconduct on the part of masters or mates of ships, or as to shipwreck or other casualties affecting ships, it is reported that the loss or abandonment of, or serious damage to, any ship, or loss of life, has been caused by his wrongful act or default; or that he has been guilty of any gross act of misconduct, drunkenness, or tyranny. Provided always that, in the case of any report by any such last-mentioned Court or Tribunal, the report shall have been confirmed by the Governor or person administering the Government of such possession:

Or after other investigations.

(4)—If he has been superseded by the order of any Admiralty Court, or of any Naval Court constituted as provided by the Merchant Shipping Act, 1854, or any other law for the time being in force:

Supersession.

(5)—If he is shewn to have been convicted of any offence.

Conviction of any offence.

137. Every master, mate, or engineer whose certificate is cancelled or suspended under the provisions of this Act, shall deliver it to the Shipping Master, or to such other person as the Court or the Local Government which cancelled or suspended the certificate shall direct, and in default shall, for each offence, incur a penalty not exceeding five hundred Rupees: Provided that if the Local Government which cancels or suspends a certificate

Master, mate, or engineer to deliver up his certificate. Penalty otherwise.

Report to other Local Governments.

of a master or mate, is not the Local Government that granted the same, the Local Government which so cancels or suspends the certificate shall report the proceedings, and the fact of cancelment or suspension, to the Local Government which granted such certificate: Provided also, that it shall be competent to any Local Government at any subsequent time to grant to any person whose certificate has been cancelled, a new certificate of the same or of any lower grade.

Saving of powers vested in certain Admiralty Courts.

138. Nothing contained in Sections 132 to 137 both inclusive, shall be held to affect the powers of removal vested by Section 240 of the Merchant Shipping Act of 1854, or Section 131 of this Act, in Courts having Admiralty jurisdiction in British India. The said powers may be exercised by the principal Court of Ordinary Criminal Jurisdiction at any port in British India where there is no Court having Admiralty jurisdiction, if the master or mate shall have received his certificate from any Local Government.

Same powers may be exercised by Chief Criminal Court in British Indian Port, where there is no Admiralty Court.

Offences of seamen and apprentices, and their punishments.

139. Whenever any seaman who has been lawfully engaged, or any apprentice to the sea-service, commits any of the following offences, he shall be liable to be punished summarily as follows (that is to say),—

Desertion.

(1)—For desertion he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour, and also to forfeit all or any part of the clothes and effects he leaves on board, and all or any part of the wages or emoluments which he has then earned; and also, if such desertion takes place at any port or place not in British India, at the discretion of the Court, to forfeit all or any part of the wages or emoluments he may earn in any other ship in which he may be employed until his next return to any port or place in British India, and to satisfy any excess of wages paid by the master or owner of the ship from which he deserts, to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him:

Explanation.—"Desertion," as here used, means abandoning the ship without the intention of returning, and without just cause:

Neglecting or refusing to join, or to go to sea; absence within twenty-four hours before sailing, and absence without leave.

(2)—For neglecting or refusing, without reasonable cause, to join his ship or to proceed to sea in his ship, or for absence without leave at any time within twenty-four hours of the ship's sailing from any port either at the commencement or during the progress of any voyage, or for absence at any time without leave and without sufficient reason from his ship or from his duty not amounting to desertion or not treated as such by the master, he shall be liable to imprisonment for any period not exceeding ten weeks, with or without hard labour, and also, at the discretion of the Court, to forfeit out of his wages a sum not exceeding the amount of two days' pay, and in addition for every twenty-four hours of absence, either a sum not exceeding six days' pay, or any expenses which have been properly incurred in hiring a substitute:

Quitting without leave before ship is secured.

(3)—For quitting the ship without leave after her arrival at her port of delivery and before she is placed in security, he shall be liable to forfeit out of his wages a sum not exceeding one month's pay:

Act of disobedience.

(4)—For wilful disobedience to any lawful command he shall be liable to imprisonment for any period not exceeding four weeks, with or without hard labour, and also, at the discretion of the Court, to forfeit out of his wages a sum not exceeding two days' pay:

Continued disobedience.

(5)—For continued wilful disobedience to lawful commands, or continued wilful neglect of duty, he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour, and also at the discretion of the Court, to forfeit for every twenty-four hours' continuance of such disobedience or neglect, either a sum not exceeding six days' pay, or any expenses which have been properly incurred in hiring a substitute:

Assault on Officers.

(6)—For assaulting any master or mate he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour:

Combining to disobey.

(7)—For combining with any other or others of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship, or the progress of the voyage, he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour:

Wilful damage and embezzlement.

(8)—For wilfully damaging the ship, or embezzling or wilfully damaging any of her stores or cargo, he shall be liable to forfeit out of his wages a sum equal in amount to the loss thereby sustained, and also, at the discretion of the Court, to imprisonment for any period not exceeding twelve weeks, with or without hard labour:

Act of smuggling, causing loss to owner.

(9)—For any act of smuggling of which he is convicted, and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay to such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage; and the whole or a proportionate part of his wages may be retained in satisfaction or on account of such liability, without prejudice to any further remedy.

Entry of offences to be made in official log, and to be read over, or a copy given to the offender: his reply, if any, to be also entered.

140. Upon the commission of any of the offences enumerated in the last preceding section, an entry thereof shall be made in the official log-book, and shall be signed by the master, and also by the mate or one of the crew; and the offender, if still in the ship, shall, before the next subsequent arrival of the ship at any port, or if she is at the time in port before her departure therefrom, either be furnished with a copy of such entry, or have the same read over distinctly and audibly to him, and may thereupon make such reply thereto as he thinks fit. A statement that a copy of the said entry has been so furnished, or that the same has been so read over as aforesaid, and the reply (if any) made by the offender, shall

likewise be entered and signed in manner aforesaid. In any subsequent legal proceeding, the entries hereinbefore required shall, if practicable, be produced or proved, and in default of such production or proof, the Court hearing the case may, at its discretion, refuse to receive evidence of the offence.

Seamen whom masters of ships are compelled to convey, and persons going to sea in ships without leave, to be subject to penalties for breach of discipline.

141. Every sea-faring person whom the master of any ship is, under the authority of this Act or any law, compelled to take on board and convey, and every person who goes to sea in any ship without the consent of the master or owner or other person entitled to give such consent, shall, so long as he remains in such ship, be subject to the same laws and regulations for preserving discipline, and to the same penalties and punishments for offences constituting or tending to a breach of discipline to which he would be subject if he were a member of the crew and had signed the agreement.

Master or owner may apprehend deserters without warrant.

142. Whenever, either at the commencement or during the progress of any voyage, any seaman or apprentice neglects or refuses to join, or deserts from or refuses to proceed to sea in any ship in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave, the master or any mate, or the owner, ship's husband, or consignee, may, with or without the assistance of Police Officers who are hereby directed to give the same if required, apprehend him without first procuring a warrant; and thereupon in any case, and shall, in case he so requires and it is practicable, convey him before some Court capable of taking cognizance of the matter, to be dealt with according to law; and may, for the purpose of conveying him before such Court, detain him in custody for a period not exceeding twenty-four hours or such shorter time as may be necessary; or may, if he does not so require, or if there is no such Court at or near the place, at once convey him on board. If any such apprehension appears to the Court before which the case is brought, to have been made on improper or on insufficient grounds, the master, mate, owner, ship's husband, or consignee, who makes the same or causes the same to be made, shall incur a penalty not exceeding two hundred Rupees; but such penalty, if inflicted, shall be a bar to any suit for false imprisonment in respect of such apprehension.

Deserters may be sent on board in lieu of being imprisoned.

143. Whenever any seaman or apprentice is brought before any Court on the ground of his having neglected or refused to join, or to proceed to sea in any ship in which he is engaged to serve, or of having deserted or otherwise absented himself therefrom without leave, such Court may, if the master or the owner or his agent so requires, instead of committing the offender to prison, cause him to be conveyed on board for the purpose of proceeding on the voyage, or deliver him to the master or any mate of the ship, or the owner or his agent, to be by them so conveyed, and may in such case order any costs and expenses properly incurred by or on behalf of the master or owner by reason of the offence, to be paid by the offender, and if necessary to be deducted from any wages which he has then earned, or which by virtue of his then existing engagement he may afterwards earn.

Seamen imprisoned for desertion or breach of discipline, may be sent on board before termination of sentence.

144. If any seaman or apprentice is imprisoned on the ground of his having neglected or refused to join, or to proceed to sea in any ship in which he is engaged to serve, or of having deserted or otherwise absented himself therefrom without leave, or of his having committed any other breach of discipline, and if during such imprisonment and before his engagement is at an end his services are required on board his ship, any Magistrate may, at the request of the master or of the owner or his agent, cause such seaman or apprentice to be conveyed on board his said ship for the purpose of proceeding on the voyage, or to be delivered to the master or any mate of the ship, or to the owner or his agent, to be by them so conveyed, notwithstanding that the termination of the period for which he was sentenced to imprisonment has not arrived.

Entries and certificates of desertion abroad to be copied, sent home, and admitted in evidence.

145. In all cases of desertion from any ship registered at a port or place in British India while such ship is at any place out of British India, the master shall produce the entry of such desertion in the official log-book to the person or persons required by the Merchant Shipping Act, 1854, to endorse on the agreement a certificate of such desertion. Such person or persons shall thereupon make and certify a copy of such entry and also a copy of the said certificate of desertion. The master shall forthwith transmit such copies to the Shipping Master at the port where such seaman was engaged, who shall, if required, cause the same to be produced in any legal proceeding. Such copies, if purporting to be so made and certified as aforesaid, shall in any legal proceeding relating to such desertion be received as evidence of the entries therein appearing.

Facilities for proving desertion so far as concerns forfeiture of wages.

146. Whenever a question arises whether the wages of any seaman or apprentice are forfeited for desertion, it shall be sufficient for the party insisting on the forfeiture to show that such seaman or apprentice was duly engaged in, or that he belonged to the ship from which he is alleged to have deserted, and that he quitted such ship before the completion of the voyage or engagement, or if such voyage was to terminate at any port or place in British India, and the ship has not returned, that he is absent from her, and that an entry of the desertion has been duly made in the official log-book. Thereupon the desertion shall, so far as relates to any forfeiture of wages or emoluments under the provisions hereinbefore contained, be deemed to be proved, unless the seaman or apprentice can produce a proper certificate of discharge, or can otherwise show to the satisfaction of the Court, that he had sufficient reasons for leaving his ship.

Explanation.—By desertion the wages for the whole voyage which was not completed at the time of the desertion are forfeited, but not the wages for any other completed voyage.

147. Whenever in any proceeding relating to seamen's wages it is shewn that any seaman or apprentice has in the course of the voyage been convicted of any offence by any competent tribunal and rightfully punished therefor by imprisonment or otherwise, the Court hearing the case may direct a part of the wages due to such seaman, not exceeding thirty Rupees, to be applied in reimbursing any costs properly incurred by the master in procuring such conviction and punishment.

Costs of procuring imprisonment may, to the extent of 30 Rupees, be deducted from wages.

148. Whenever any seaman contracts for wages by the voyage, or by the run, or by the share, and not by the month or other stated period of time, the amount of forfeiture to be incurred under this Act shall be taken to be an amount bearing the same proportion to the whole wages or share as the period hereinbefore mentioned in fixing the amount of such forfeiture (as the case may be) bears to the whole time spent in the voyage. If the whole time spent in the voyage does not exceed the period for which the pay is to be forfeited, the forfeiture shall extend to the whole wages or share.

Amount of forfeiture how to be ascertained when seamen contract for the voyage.

149. All clothes, effects, wages, and emoluments which, under the provisions hereinbefore contained, are forfeited for desertion, shall be applied in the first instance in or towards the reimbursement of the expenses occasioned by such desertion to the master or owner of the ship from which the desertion has taken place, and may, if earned subsequently to the desertion, be recovered by such master, or by the owner, or his agent, in the same manner as the deserter might have recovered the same if they had not been forfeited; and in any legal proceeding relating to such wages, the Court may order the same to be paid accordingly; and, subject to such reimbursement, the same shall be paid into the public Treasury and carried to the account of Government. In all other cases of forfeiture of wages under the provisions hereinbefore contained, the forfeiture shall, in the absence of any specific directions to the contrary, be for the benefit of the master or owner by whom the wages are payable.

Application of forfeitures.

150. Any question concerning the forfeiture of or deductions from the wages of any seaman or apprentice, may be determined in any proceeding lawfully instituted with respect to such wages, notwithstanding that the offence in respect of which such question arises, though hereby made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

Questions of forfeitures may be decided in suits for wages.

151. If any seaman, on or before being engaged, wilfully and fraudulently makes a false statement of the name of his last ship, or last alleged ship, or wilfully and fraudulently makes a false statement of his own name, he shall incur a penalty not exceeding fifty Rupees. Such penalty may be deducted from any wages he may earn by virtue of such engagement as aforesaid, and shall, subject to reimbursement of the loss and expenses (if any) occasioned by any previous desertion, be paid and applied in the same manner as other penalties payable under this Act.

Penalty for false statement as to last ship or name.

152. Whenever any seaman commits an act of misconduct for which his agreement imposes a fine, and which it is intended to punish by enforcing such fine, an entry thereof shall be made in the official log-book, and a copy of such entry shall be furnished or the same shall be read over to the offender, and an entry of such reading over, and of the reply (if any) made by the offender, shall be made in the manner and subject to the conditions hereinbefore specified who respect to the offences against discipline specified in and punishable under this Act. Such fine shall be deducted and paid over as follows (that is to say), if the offender is discharged at any port or place in British India, and the offence, and other entries in respect thereof as aforesaid, are proved, in the case of a foreign-going ship to the satisfaction of the Shipping Master before whom the offender is discharged, and in the case of a Home-trade ship to the satisfaction of the Shipping Master at or nearest to the place at which the crew is discharged, the master or owner shall deduct such fine from the wages of the offender and pay the same over to such Shipping Master. If before the final discharge of the crew in British India, any such offender as aforesaid enters into any of Her Majesty's ships, or is discharged at any place not in British India, and the offence and such entries as aforesaid are proved to the satisfaction of the Officer in command of the ship into which he so enters, or of the Consular Officer, Officer of Customs, or other person by whose sanction he is so discharged, the fine shall thereupon be deducted as aforesaid, and an entry of such deduction shall then be made in the official log-book (if any) and signed by such Officer or other person. On the return of the ship to British India, the master or owner shall pay over such fine, in the case of foreign-going ships to the Shipping Master before whom the crew is discharged, and in the case of Home-trade ships to the Shipping Master at or nearest to the place at which the crew is discharged. If any master or owner neglects or refuses to pay over any such fine in manner aforesaid, he shall, for each such offence, incur a penalty not exceeding six times the amount of the fine retained by him: Provided that no act of misconduct for which any such fine as aforesaid has been inflicted and paid, shall be otherwise punished under the provisions of this Act.

Fines to be deducted from wages, and paid to Shipping Master.

153. Every person who by any means whatever persuades or attempts to persuade any seaman or apprentice to neglect or refuse to join or proceed to sea in or to desert from his ship, or otherwise to absent himself from his duty, shall, for each such offence, in respect of each such seaman or apprentice, incur a penalty not exceeding one hundred Rupees. Every person who wilfully harbours or secretes any seaman or apprentice who has deserted from his ship, or who has wilfully neglected or refused to join or has deserted from his ship, knowing or having reason to believe such sea-

Penalty for enticing to desert and harbouring deserters.

man or apprentice to have so done, shall, for every such seaman or apprentice so harboured or secreted, incur a penalty not exceeding one hundred Rupees.

Penalty for obtaining passage surreptitiously.

154. Any person who secretes himself and goes to sea in any ship without the consent of either the owner, consignee, or master, or of a mate, or of any person in charge of such ship, or of any other person entitled to give such consent, shall incur a penalty not exceeding two hundred Rupees, or be liable to imprisonment, with or without hard labour, for any period not exceeding four weeks.

On change of masters, documents hereby required to be handed over to successor.

155. If during the progress of a voyage the master of any ship registered at any port or place in British India, is superseded, or for any other reason quits the ship and is succeeded in the command by some other person, he shall deliver to his successor the various documents relating to the navigation of the ship and to the crew thereof which are in his custody; and shall in default incur a penalty not exceeding one thousand Rupees. Such successor shall, immediately on assuming the command of the ship, enter in the official log a list of the documents so delivered to him.

PART XIV.—OF PASSENGERS BY SEA.

Chapter 1—Of Native Passengers between India and the Red Sea or Persian Gulf.

What shall be deemed a "Native Passenger Ship" within the meaning of Sections 156 to 174.

156. Every vessel carrying more than thirty passengers being Natives of Asia or Africa, which may depart or proceed on any voyage from a port or place within British India to any port or place in the Red Sea or Persian Gulf, or which may arrive at any port or place within British India from any port or place in the Red Sea or Persian Gulf, having on board more than thirty such passengers, shall be deemed a Native Passenger Ship within the meaning of this Chapter.

Native Passenger Ship to sail only from ports appointed by Local Government.

157. No Native Passenger Ship shall depart or proceed upon any voyage to which this Chapter extends from any port or place within British India other than such ports and places as the Local Government may from time to time appoint; and after any Native Passenger Ship has departed or proceeded upon any such voyage from a port or place so to be appointed, no person whatsoever shall be received on board as a passenger, except at some other duly appointed port or place.

Not to sail without obtaining a certificate.

158. No Native Passenger Ship shall depart or proceed upon any such voyage from any port or place appointed under this Chapter until the master shall have obtained a certificate from an Officer authorized to grant the same.

Penalty for breach of provisions in Sections 157, 158.

159. If any Native Passenger Ship departs or proceeds upon a voyage from any port or place within British India, or if any person is received as a passenger on board a Native Passenger Ship in contravention of the provisions of the last two preceding sections, the owner or master shall be liable to a penalty not exceeding one hundred Rupees for every passenger conveyed on a ship unlawfully departing or proceeding on such voyage, or for every passenger unlawfully received on board; and the ship, if found within two years in any place within British India, may be seized and detained by any Chief Officer of Customs until the penalties incurred under this Chapter have been adjudicated, and the payment thereof, with all costs, have been enforced under the provisions of Section 201.

Appointment of Officers.

160. The Local Government shall appoint such persons as it may deem proper to exercise and perform the powers and duties conferred and imposed by this Chapter.

Master to give notice of day of sailing, &c.

161. The master of any Native Passenger Ship sailing from any port or place appointed under Section 157, shall give notice to the proper Officer that the ship is to carry Native passengers, and of her destination, and of the proposed day of sailing. Such notice shall be given not less than three days before the proposed day of sailing.

Power to enter and inspect ship.

162. After receiving such notice, the Officer aforesaid, or any person authorized by him, shall be at liberty at all times to enter and inspect the ship and the fittings, provisions and stores therein. Any person impeding or refusing to allow such inspection, shall be liable, on conviction, to a penalty not exceeding five hundred Rupees for each offence.

Ship may be surveyed.

163. The Officer aforesaid may, if he think fit, cause the ship to be surveyed at the expense of the master by a competent surveyor, who shall report whether the ship is, in his opinion, sea-worthy and fit for her intended voyage.

Officer to be satisfied before giving certificate

164. The Officer aforesaid shall not give his certificate, unless he shall be satisfied—

That the ship is sea-worthy.

(1)—That the ship is sea-worthy and properly manned, equipped, fitted and ventilated; and has not on board any cargo likely, from its quality, quantity, or mode of stowage, to prejudice the health or safety of the passengers:

That the space between-decks for passengers is sufficient.

(2)—That the space appropriated to the passengers in the between-decks contains at the least nine superficial and fifty-four cubical feet of space for every adult passenger on board, that is to say, for every passenger above twelve years of age, and for every two passengers between the ages of one year and twelve years:

That the space on the upper deck is sufficient.

(3)—That a space of four superficial feet per adult is left clear on the upper deck for the use of the passengers:

That there is a due supply of provisions.

(4)—That provisions, fuel and water have been placed on board, of good quality, properly packed, and sufficient to supply the passengers on board during the declared duration of the intended voyage, according to the scale hereinafter contained.

Number of passengers.

165. No such ship shall carry any greater number of passengers than, together with the master and crew, shall amount to the proportion of two persons for every three tons of the registered or estimated tonnage of the ship.

List of passengers.

166. The master of any such ship, before departing or proceeding on any such voyage from any port or place within British India, shall sign two lists, specifying (as accurately as may be) the names of all the passengers, and stating the number of the crew; and shall deliver them to the Officer aforesaid, who shall thereupon (after having first mustered the passengers and compared the number and names of such passengers with the lists) countersign and return to the master one of such lists. The master shall note in writing on such last-mentioned list, and on any additional list to be made under Section 167, the date and supposed cause of death of any passenger who may die on the voyage, and shall forthwith, on the arrival of the ship at her destination or at any port in the said territories at which it may be proposed to land passengers, and before any passengers are landed, produce the list, with any additions thereto made, to any person lawfully exercising consular authority on behalf of Her Majesty at the port of arrival if it be a foreign port, or to the Chief Officer of Customs, or the Officer (if any) appointed under this Chapter at any port or place within British India at which it shall be intended to land the passengers or any of them. In case of non-compliance with any of the requirements of this section on the part of the master, or if any false entry be wilfully made in any such list, the master shall be liable to a penalty not exceeding five hundred Rupees for each offence.

Ship taking additional passengers and touching at intermediate port.

167. If, after the ship shall have departed or proceeded on any such voyage, any additional passengers are taken on board at a port or place within British India appointed under this Chapter for the embarkation of passengers, or if such ship shall, upon her voyage, touch or arrive at any such port, having previously received on board additional passengers at any place out of British India, the master shall obtain a fresh certificate from the Officer at such port, and lists of all such additional passengers shall be made; and all the provisions hereinbefore contained in that behalf, shall be applicable to any certificate to be granted, or any list to be made under this section.

Penalty for fraudulent alteration in ship after certificate obtained.

XXI. of 1858, Sec. 13.

168. If any master of a ship, after having obtained a certificate under Section 158 or Section 167, shall fraudulently do or suffer to be done any act or thing whereby such certificate shall become inapplicable to the altered state of the ship, its passengers, or other matters to which such certificate relates, he shall be liable to a penalty not exceeding two thousand Rupees.

Information to be transmitted to ports of embarkation.

169. The Chief Officer of Customs, or the Officer (if any) appointed under this Act, at any port or place within British India at which the ship shall touch or arrive, shall, with advertence to the requirements of this Chapter, transmit any particulars which he may deem important respecting the ship and the passengers conveyed therein, to the Officer at the port from which the ship commenced her voyage, and also to the Officer at any other port in British India where the passengers or any of them embarked.

Report of Consul, &c., to be admissible in evidence.

170. In any proceeding for the adjudication of any penalty incurred under this Chapter, any document purporting to be a report of such particulars as are referred to in the last preceding section, or a copy of the proceedings of any Court of Justice duly authenticated, and also any like document purporting to be made and signed by any person lawfully exercising Consular authority on behalf of Her Majesty in any foreign port, shall be received in evidence, if the same appears to have been officially transmitted to any Officer at or near the place where the proceeding under this Chapter is had.

Length of voyage to be fixed by proclamation.

171. It shall be lawful for the Local Government, by any proclamation to be from time to time issued for that purpose and published in the *Gazette* or in one of the public newspapers, to declare what shall be deemed, for the purposes of this Chapter, the duration of the voyage of any Native Passenger Ship from any port or place to any other port or place.

Quantity of provisions and water to be shipped.

172. Every Native Passenger Ship, at the time of departure from the port or place at which passengers shall be embarked under this Chapter shall have on board good and wholesome provisions for the use and consumption of the passengers, over and above the victualling of the crew, to the amount or in the proportion following, that is to say, a supply of water to the amount of five gallons to every week of the computed voyage for every passenger on board, such water being carried in tanks or sweet casks; and a supply of rice, flour, oatmeal, or bread-stuffs to the amount of seven pounds weight to every week of the computed voyage for every such passenger: Provided always that, when any such ship shall be destined to call at a port or place in the course of her voyage for the purpose of filling up her water-casks, a supply of water at the rate before mentioned for every week of an average voyage to such port or place of calling, shall be deemed to be a compliance with this Chapter. The provision of this section regarding food shall be deemed to have been complied with in any case where it shall appear that, by the special authority of the Local Government, any other articles of food were substituted for the articles above enumerated as being equivalent thereto.

Contract by passengers for supply of their own provisions.

173. The requirements of this Chapter respecting the supply of provisions for passengers, shall not, except as to the supply of water, be applicable to any passenger who may have contracted to furnish his own provisions.

Penalty on ships bringing excessive number of passengers from Red Sea or Persian Gulf to Indian ports.

174. If any ship bringing passengers from any port or place in the Red Sea or Persian Gulf to any port or place in British India, shall have on board a greater number of passengers or persons than in the proportion prescribed by this Chapter, the master of such ship

shall, in addition to any other penalty which he may have incurred under the provisions of this Chapter, be liable, on conviction, to a penalty not exceeding fifty Rupees for each person in excess of such proportion.

Secs. 156 to 174 not to apply to ships under contract with European States, or to mail steamers.

175. Nothing contained in Sections 156 to 174, both inclusive, shall apply to any ship under contract with the Government of any European State, or to any sea-going steam-vessel regularly employed in the conveyance of the public mails under a contract.

Chapter 2.—Of Native Passengers in the Bay of Bengal.

Number of Native passengers to be carried in unlicensed vessels.

176. No vessels shall carry Native passengers from any port or place under the Presidency of Fort St. George, or from Chittagong, or from any port in the Province of Orissa, to any port or place on the eastern coast of the Bay of Bengal, or in the Straits of Malacca, or in Ceylon; or from any port or place on the eastern coast of the Bay of Bengal, or in the Straits of Malacca, to any port or place under the Presidency of Fort St. George, or to Chittagong, or to any port in the Province of Orissa, in a proportion greater than one passenger to every four tons of the burden of such vessel, without a license.

Number of Native passengers to be carried in licensed vessels.

177. No vessels shall be licensed to carry passengers on any such voyage as is specified in Section 176, in a proportion greater than one passenger to every ton of burden, nor unless the vessel has space on a deck or platform under hatches reserved for the accommodation of the passengers in the proportion of six superficial feet for every passenger, with not less than five feet clear between the upper deck and the lower deck or platform: Except a vessel proceeding in ballast from any part of the coast of the Gulf of Manaar or Palks' Strait to any port or place in Ceylon which may be licensed to carry a number of passengers not exceeding the proportion of two and a half to every ton of her burden, provided that the whole of the space usually allotted for cargo and not occupied by ballast, be kept for the accommodation of the passengers, and for storing the provisions and water for their use, and that the space left clear for the accommodation of the passengers on the deck or decks of the vessel be not less than four superficial feet for each passenger: And except a vessel carrying Native passengers between Chittagong and any port or place on the coast of Arracan which may be licensed to carry a number of passengers not exceeding the proportion of two and a half to every ton of her burden, subject to such regulations as the Government of Bengal may prescribe.

First exception.

Second exception.

Penalty on master of unlicensed vessel.

178. The master or tindal of any vessel which shall carry Native passengers on any such voyage as is specified in Section 176, without a license, in a proportion exceeding that laid down in Section 176, shall be liable to a fine not exceeding twenty Rupees for each passenger in excess of such proportion.

Penalty on master of licensed vessel.

179. The master or tindal of any licensed vessel which shall carry on any such voyage a greater number of passengers than is specified in the license, or in which the accommodation therein required shall not be afforded, shall be liable to a fine not exceeding twenty Rupees for each passenger in excess of such number, or for each passenger who is not provided with accommodation agreeably to the license.

Government to appoint ports for shipment of passengers when the number of passengers to be carried is greater than one to every four tons of burden.

180. Passengers in a greater number than one passenger to every four tons of the burden of any vessel, shall not be shipped from the territories under the Government of Fort St. George or from the Province of Orissa, for Ceylon or the eastern coast of the Bay of Bengal, or the Straits of Malacca; or from the eastern coast of the Bay of Bengal or the Straits of Malacca, for the said territories or Province, or for Chittagong, except from such ports as shall be from time to time appointed by the Local Government by an order published in the *Gazette;* and the master or tindal of any vessel who shall take on board passengers for such voyage from any other port or place in a greater proportion to the burden of the vessel than is mentioned in Section 176, shall be liable to a fine not exceeding twenty Rupees for each passenger embarked.

Grant of licenses to vessels.

181. It shall be at the discretion of the Collectors of Sea Customs for the ports appointed for shipping Native passengers, or such other persons as the Local Government may from time to time appoint for the purpose, to grant licenses to vessels under this Chapter: Provided that such licenses shall not be granted, except for vessels within the exceptions in Section 177, till the vessels have been surveyed according to such directions as shall be given from time to time by the Local Government. The license shall describe the vessel, her tonnage, and rig; the number of her boats, anchors, and cables; and what instruments for the purpose of navigation she is supplied with; also the name of the owner and of the master or tindal, and the number and composition of the crew; and shall specify the number of passengers she may carry and the space to be assigned for their accommodation.

Certain licensed passenger vessels to carry provisions according to appointed scale.

182. The master or tindal of any vessel licensed to carry passengers from any port in the territories under the Government of Fort St. George, or from Chittagong, or from any port in the Province of Orissa, to any port or place on the eastern coast of the Bay of Bengal, or the Straits of Malacca; or from any port on the eastern coast of the Bay of Bengal, to any port or place in the territories under the Government of Fort St. George, or to Chittagong, or to any port in the Province of Orissa, which shall proceed on such voyage not being furnished with provisions and water according to such scale as shall be laid down from time to time by an order of the Local Government published in the *Gazette*, shall be liable to a fine not exceeding twenty Rupees for each passenger in excess of the number fully

supplied with provisions and water according to such scale.

Penalty for omitting to supply passengers with prescribed allowance of food and water.

183. The master or tindal of any vessel licensed to carry passengers as aforesaid, who shall wilfully and without satisfactory excuse omit to supply to every passenger the prescribed allowance of food and water, shall be liable for such omission to a fine which may extend to twenty Rupees for every passenger who has suffered privation thereby.

Supply of provisions on board passenger ships plying to and from Ceylon.

184. The master or tindal of any vessel licensed to carry passengers from any port under the Government of Fort St. George to Ceylon, or between Chittagong and any port or place on the coast of Arracan, who shall proceed on any such voyage without having laid in a supply of water and provisions for the passengers according to a scale to be fixed by the Collector of Sea Customs for such port, or such other person as the Local Government may from time to time appoint for the purpose, and to be hung up at the Custom House of the port, shall be liable to a fine not exceeding one hundred Rupees.

List of passengers to be signed by master.

185. The master or tindal of any vessel licensed to carry passengers as hereinbefore provided, shall sign and deliver in duplicate to the principal Officer of Customs at the place of embarkation, or such other person as the Local Government may from time to time appoint for the purpose, a list, according to the form in the third schedule to this Act, of all passengers to be conveyed in such vessel. Such Officer, after satisfying himself of the correctness of the same, and that the number of passengers authorized is not exceeded, shall countersign and return one such list to the master or tindal, to be produced to the proper Officer at the port to which the vessel is bound. Should any additional passengers engage to proceed by such vessel after such list has been so countersigned, the master or tindal may insert their names in the original list, obtaining the signature of the controlling Officer as before. The Officer in charge of the Customs may withhold the Port-Clearance till this rule is complied with.

Additional passengers.

Penalty for bringing Native passengers into any port on the eastern coast of the Bay of Bengal from any foreign European Settlement in excess of authorized proportion.

186. If any vessel bringing Native passengers into any port or place whatsoever on the eastern coast of the Bay of Bengal, from any foreign European Settlement situate on the line of coast within the limits of the Presidency of Fort St. George, shall have on board a greater number of passengers than in the proportion prescribed in Section 176, the master or tindal of such vessel shall be liable to a penalty of twenty Rupees for each passenger in excess of such proportion, unless the vessel shall have been licensed under Section 181, and shall have complied with the stipulations as regards space, water and provisions laid down in Section 177.

Penalty for impeding entry or inspection.

187. The principal Officer in charge of the Customs at the port of embarkation or of destination, or any person authorized by him, shall be at liberty at all times to enter and inspect any passenger-vessel to which the provisions of this Chapter apply, and the fittings, provisions and stores in such vessel; and whoever impedes such entry or inspection, or refuses to allow of the same, shall be liable to a fine not exceeding fifty Rupees.

Penalty on landing passenger at a place other than that at which he has contracted to land.

188. If any Native passenger in any ship upon any voyage under Chapters 1, 2 and 4 of this Part, shall be landed at any port or place other than the port or place at which he may have contracted to land, unless with his previous consent, or unless such landing is made necessary by perils of the sea or other unavoidable accident, the master shall, for each offence, be liable to a penalty not exceeding two hundred Rupees.

Passengers' right of action preserved.

189. Nothing in Chapters 1, 2 and 4 of this Part shall take away or abridge any right of action which may accrue to any Native passenger, or to any other person, in respect of the breach or non-performance of any contract made with the master or owner of the ship or his agent.

Chapter 3.—Of forwarding certain Passengers taken off a Ship or picked up at Sea.

Secs. 191, 192, 193 applicable to passengers upon certain voyages.

190. The provisions contained in Sections 191, 192, 193 apply to the carriage of passengers upon the following voyages :—

Voyages from the ports of Calcutta, Madras and Bombay, under Act No. XIII of 1864 (*to consolidate and amend the laws relating to the emigration of Native labourers*), to the Mauritius, Jamaica, British Guiana, Trinidad, Saint Lucia, and Grenada.

Voyages from ports in British India, under Part XIV, Chapter 1, to ports in the Red Sea or Persian Gulf.

Governors or Consuls may pay expenses of passengers taken off a passenger ship.

191. If the passengers on any such voyage as is specified in Section 190, shall be taken off from the ship carrying such passengers, or should be picked up at sea from any boat, raft or otherwise, it shall be lawful, if the port or place to which they shall be conveyed, shall be in any of Her Majesty's Colonial possessions, for the Governor of such Colony, or for any person authorized by him for the purpose, or if in any foreign country for Her Majesty's Consular Officers at such port or place therein, to defray all or any part of the expenses thereby incurred.

192. If any passenger of any such passenger ship as aforesaid shall, without any neglect or default of his own, find himself within any colonial or foreign port or place other than that at which he may have contracted to land, it shall be lawful for the Governor of such Colony, or for any person authorized by him for the purpose, or for Her Majesty's Consular Officer at such foreign port or place as the case may be, to forward such passenger to his intended destination, unless the master of such ship shall, within forty-eight hours of the arrival of such passenger, give to the Governor or Consular Officer, as the case may be, a written undertaking to forward or carry on within six weeks thereafter such passenger to his original destination, and unless such master shall accordingly forward, or carry him on within that period.

Governors or Consuls may send on passengers, if the master of the ship fail to do so.

193. All expenses incurred under the last two preceding sections, or either of them, by or by the authority of such Governor or Consular Officer, as aforesaid, including the cost of maintaining the passengers until forwarded to their destination, and of all necessary beddings, provisions and stores, shall become a debt to Her Majesty and Her Successors from the owner, charterer, and master of such ship, and shall be recoverable from them, or from any one or more of them, at the suit and for the use of Her Majesty, in like manner as in the case of other Crown debts; and a certificate purporting to be under the hand of any such Governor or Consular Officer (as the case may be) stating the total amount of such expenses, shall in any suit or other proceeding for the recovery of such debt be received in evidence without proof of the hand-writing, or of the official character of such Governor or Consular Officer, and shall be deemed sufficient evidence of the amount of such expenses, and that the same were duly incurred: Provided, nevertheless, that in no case shall any larger sum be recovered on account of such expenses than a sum equal to twice the total amount of passage money received by the owner, charterer, or master of such passenger ship or any of them, from or on account of the whole number of passengers who may have embarked in such ship; which total amount of passage money shall be proved by the defendant if he will have the advantage of this limitation of the debt: but if any such passengers are forwarded or conveyed to their intended destination under the provisions of the last preceding section, they shall not be entitled to the return of their passage money, or to any compensation for loss of passage.

Expenses incurred under the two preceding sections, to be a Crown debt.

Passengers forwarded by Governor, &c., not entitled to compensation.

Chapter 4.—Of Coasting Passenger Steamers.

194. Steam-vessels which may be intended to carry passengers on coasting voyages from or to any port or place in British India, shall, before proceeding on such voyages, be furnished with certificates to be granted in the manner hereinafter provided.

Certificates to be furnished to coasting steam-vessels intended to carry passengers.

195. Every such certificate shall be granted at the discretion of an Officer authorized to grant the same by the Local Government, and shall remain in force for the period therein specified, unless sooner revoked. The Officer so authorized shall not grant such certificate, or suffer the same to remain in force, unless he is satisfied, by inspection or survey (to be made at least twice in each year at the expense of the master or owner, and upon payment of a fee not exceeding twenty Rupees), that such steam-vessel is sea-worthy and properly equipped with boats and otherwise, and that the engines and machinery are in a fit state to enable her to proceed on her voyage. The certificate shall state the limits (if any) within which the vessel is to ply, and the number of Native passengers which the vessel is permitted to carry; such number to be subject to such conditions and variations according to the time of year, the nature of the voyage, and the cargo carried, as the case requires.

Grant and contents of such certificates.

196. The owner or master of any such steam-vessel shall put up in a conspicuous part of the ship, so as to be visible to persons on board the same, a copy of the said certificate, and shall cause it to be continued in such position so long as the certificate remains in force; and in default, such owner or master shall for each offence be liable to a fine not exceeding two hundred Rupees.

Copy of certificate to be placed in conspicuous part of steamer.

197. If any such steam-vessel has on board thereof a number of passengers which, having regard to the time of the year and other circumstances, is greater than the number allowed by the certificate, the owner or master shall be liable to a fine not exceeding twenty Rupees for every passenger over and above the number allowed by the certificate.

Penalty for excess of number specified in certificate.

198. If any such steam-vessel shall proceed on any such voyage without such certificate as aforesaid, the owner or master shall be liable to a fine not exceeding five hundred Rupees.

Penalty for proceeding without certificate.

199. In the grant or revocation of any certificate whatsoever under Chapters 1 and 4 of this Part, the Officer granting the same shall be subject to the control of the Local Government, or of any intermediate authority which that Government may appoint.

Grant of certificate to be subject to control of Government.

PART XV.—*Of Procedure.*

200. Whenever, in the course of any legal proceedings instituted at any port or place in British India before any Judge or Magistrate, or before any person authorized by law or by consent of parties to receive evidence, the testimony of any witness is required in relation to the subject matter of such proceeding, any deposition that such witness may have previously made in relation to the same subject matter before any Justice or Magistrate in Her Majesty's Dominions (including all parts of British India other than those

Depositions to be received in evidence when witnesses cannot be produced.

subject to the same Local Government as the port or place where such proceedings are instituted), or any British Consular Officer elsewhere, shall, if authenticated by the signature of the Justice, Magistrate, or Consular Officer, be admissible in evidence on due proof that such witness cannot be found within the jurisdiction of the Court in which such proceedings are instituted: Provided that, if the proceeding is criminal, such deposition shall not be admissible unless it was made in the presence of the person accused, and the fact that it was so made is certified by the Justice, Magistrate, or Consular Officer. It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition; and in any criminal proceeding, such certificate as aforesaid shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified.

Proviso.

Adjudication of offences, and recovery of penalties.

201. All offences under this Act, made punishable by any penalty, may be prosecuted summarily before a Magistrate or any person exercising the powers of a Magistrate. The provisions of Act No. XIII of 1856, relating to the adjudication of fines and penalties, and the enforcing payment thereof, shall apply to penalties imposed under this Act in the towns of Calcutta, Madras and Bombay.

Wages, penalties, &c., payable by master or owner, may be levied by distress of ship.

202. In all cases where any Court or Magistrate has power to make an order directing payment to be made of any seaman's wages, penalties, or other sums of money, then if the party so directed to pay the same is the master or owner of a ship, and the same is not paid at the time and in manner prescribed in the order, the Court or Magistrate who made the order may, in addition to any other powers which such Court or Magistrate may have for the purpose of compelling payment, direct the amount remaining unpaid to be levied by distress and sale of the said ship, her tackle, furniture, and apparel.

Jurisdiction.

203. For the purpose of the adjudication of penalties under Chapters 1, 2 and 4 of Part XIV, any offence shall be deemed to have been committed within the limits of the jurisdiction of the Magistrate of the place where the offender is found.

By whom proceedings for penalties under Chapters 1, 2 and 4 of Part XIV. to be instituted.

204. The penalties to which masters and owners of ships are liable by Chapters 1, 2 and 4 of Part XIV, shall be enforced only by information laid at the instance of the Officers appointed to grant certificates under this Act, or at any port or place where there is no such Officer, by the Chief Officer of Customs.

Application of penalties.

205. Any Magistrate imposing any penalties under Chapters 1, 2 and 4 of Part XIV, may, if he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which such penalty is imposed, or in or towards payment of the expenses of the proceedings.

FIRST SCHEDULE.

Number of Act.	Title of Act.
X of 1841 ...	An Act for prescribing the rules to be observed in order that ships or vessels belonging to ports within the territories under the Government of the East India Company, or belonging to Native Princes or States or their subjects, may become entitled to the privileges of British Ships under a proclamation of the Governor General of India in Council made in pursuance of the Statute 3rd and 4th Vic., Cap. 56.
XI of 1850 ...	An Act to amend Act X of 1841.
XXI of 1858 ...	An Act for the regulation of Native Passenger Ships and of steam-vessels intended to convey passengers on coasting voyages.
I of 1859 ...	An Act for the amendment of the law relating to Merchant Seamen.
XXV of 1859 ...	An Act to prevent the overcrowding of vessels carrying Native passengers in the Bay of Bengal.
II of 1860 ...	An Act to amend the law relating to the carriage of passengers by sea.
XV of 1863 ...	An Act to amend Act I of 1859 *(for the amendment of the law relating to Merchant Seamen)*.

SECOND SCHEDULE.

Table A. *(See Section 50.)*

Fees to be charged for matters transacted at Shipping Offices.

1. Engagement or discharge of crews—

				Rs.	A.	P.
In Ships under	100	Tons	... ...	3	0	0
From 100 to	200	„	... ...	7	0	0
200 to	300	„	... ...	10	0	0
300 to	400	„	... ...	12	8	0
400 to	500	„	... ..	15	0	0
500 to	600	„	... ...	17	8	0
600 to	700	„	... ..	20	0	0
700 to	800	„	... ...	22	8	0
800 to	900	„	.. ..	25	0	0
900 to	1,000	„	... ...	27	8	0
above	1,000	„	... ...	30	0	0

and so on for ships of larger tonnage, adding for every 100 tons above one thousand, two Rupees and eight annas.

2. Engagement or discharge of seamen separately, one Rupee for each seaman.

TABLE B. *(See Section 51.)*

Sums to be deducted from wages by way of partial repayment of fees in Table A.

1. In respect of engagements and discharges of crews, upon each engagement and each discharge—

	Rs.	A.	P.
From wages of any mate, purser, engineer, surgeon, carpenter, or steward	0	12	0
From wages of all others, except apprentices	0	8	0
2. In respect of engagements and discharges of seamen separately, upon each engagement and each discharge ...	0	8	0

THIRD SCHEDULE.

(See Section 185.)

FORM.

1.	2.	3.	4.	5.	6.	7.
Name of vessel.	Name of master	Tons per register.	Port of embarkation.	Numbers and names of passengers.	Ports at which passengers have contracted to be landed.	Date of departure

(Signed)_____,

Master.

(Countersigned)_____,

Principal Officer of Customs.

NOTE.—In the case of vessels carrying passengers to Ceylon, or between Chittagong and any port or place on the coast of Arracan, it will be sufficient to insert the numbers, and not the names, of passengers in column 5.

STATEMENT OF OBJECTS AND REASONS.

Certain amendments of Act No. XV of 1863, the latest Indian Act relating to merchant seamen, having been suggested by the Bengal Government, it has been thought desirable, in giving effect to these suggestions, to take the opportunity of consolidating and amending the laws respecting merchant shipping, seamen and passengers by sea, instead of adding a ninth Act to the eight in which the law on these subjects is now comprised.

One of the suggested amendments consists in a provision enabling any Court having Admiralty jurisdiction in British India and the principal Court of Ordinary Criminal Jurisdiction at every British Indian port where there is no Admiralty Court, to investigate charges of incompetency or misconduct against masters, &c., whose certificates have been granted by any Local Government. As the law stands, such investigations can only be held by a Court when the certificate has been granted by the Board of Trade.

Section 6 of Act XV of 1863 empowers the Local Government to direct investigations into such charges. But such investigations can only be ordered by the Local Government of the place where the casualty which gave rise to the charge occurred, and the Local Government has no power to cancel certificates granted by the Board of Trade. The present Bill, if it become law, will enable the Court at any port of this country at which a ship may arrive, to enquire into the circumstances of a partial wreck which has occurred anywhere on the coasts of British India, and to cancel certificates whether granted by the Board of Trade or by any Local Government.

The Bill is divided into Parts with Titles. Part I contains the usual preliminary provisions. Part II relates to the registry of ships, and embodies the enactments of Acts No. X of 1841 and No. XI of 1850. To this have been added clauses corresponding with section 8 of the Evidence Act (No. XV of 1852), which relates to the admissibility of registers and certificates of registry, but only extends to the High Courts.

Part III relates to official logs, and corresponds with sections 103—110 of Act No. I of 1859 *(for the amendment of the law relating to merchant seamen)*.

Part IV relates to enquiries as to wrecks, and corresponds with sections 100—102 of Act I of 1859. These provisions have however, at the suggestion of the Bengal Government, been extended to the case of the wrecks of foreign vessels. A section corresponding with section 19 of Statute 18 and 19 Vic., cap. 91, has been added to the effect that, in case of the wreck of a foreign vessel, the consular officer of the country to which the ship may have belonged, shall be deemed to be the owner's agent.

Part V relates to Shipping Offices, and agrees with Act I of 1859, sections 2—8.

Part VI (as to the examination and certificates of masters and mates) corresponds with sections 9 to 16 of Act I of 1859, as limited by Act XV of 1863, section 2.

Part VII of the engagement of seamen, is Act I of 1859, sections 18—35.

Part VIII relates to the wages of seamen, and corresponds with Act I of 1859, sections 36—58. A few amendments have been made in this part suggested by section 18 of Statute 25 and 26 Vic., cap. 63, and by the decisions of the English Admiralty and other Courts, on the corresponding sections of the English Merchant Shipping Act of 1854.

Part IX relates to the wages and effects of deceased seamen, and corresponds to Act I of 1859, sections 59—63, the re-enactment of which will preclude all question as to the effect of the Indian Succession Act, 1865, upon the provisions last referred to.

Part X corresponding with sections 64—71 of Act I of 1859, contains clauses relating to the provisions, health and accommodation of seamen, and here again have been introduced explanations analogous to those contained in the Penal Code, and the Indian Succession Act, 1865, and embodying

certain decisions of the English Courts on the corresponding sections of the Merchant Shipping Act.

Part XI empowers seamen or apprentices to make complaints to a magistrate against the master or any of the crew, and is identical with Section 72 of Act I of 1859.

Part XII contains the provisions comprised in sections 73—78 of Act I of 1859, for the protection of seamen from imposition.

Part XIII, *of discipline*, contains with the improvements abovementioned, the provisions relating to charges against masters and mates comprised in sections 4—10 of Act XV of 1863, and also the enactments as to discipline contained in sections 79, 80, 83 to 99 of Act I of 1859.

In Part XIV are comprised the provisions contained in the three existing Acts, Nos. XXI of 1858, XXV of 1859, and II of 1860, relating to passengers by sea. The provisions as to coasting steamers made by sections 20—26 of Act XXI of 1858 are also embodied in this Part.

Part XV relates to procedure and the enforcement of penalties under the Bill, and corresponds with sections 112 and 113 of Act I of 1859, sections 30, 31 and 32 of Act XXI of 1858 and sections 16 and 17 of Act XXV of 1859.

As it is not probable that this Bill will become law before the time when the Straits Settlement will cease to form part of British India, all reference to that Settlement has been omitted.

SIMLA, *The 25th September* 1866. } H. S. MAINE.

WHITLEY STOKES,
Asstt. Secy. to the Govt. of India, Home Dept. (Legislative.)

HOME DEPARTMENT

No. 5016.

Simla, the 28th September 1866.

Notifications.—The Governor General in Council has been pleased to vest the undermentioned Officers of the Hyderabad Assigned Districts, with the powers of a subordinate Magistrate of the 2nd Class, as described in Section 22 of Act XXV. of 1861, to be exercised within the Talook respectively indicated opposite the name of each :—

Akolah District:

Naib Tehseeldar Naro Umrit ... Talook Akolah.
Ditto Krishnajee Bapoojee „ Akote.

Oomrowtee District:

Naib Tehseeldar Munohur Jeyram, Talook Morsee.

Woon District:

Naib Tehseeldar Tookaram Pundit, Talook Yewutmal.
Ditto Ramchunder Hurree, „ Darwah.

Mehkur District:

Naib Tehseeldar Ragho Yadho, Talook Bassein.

No. 5064.

The 2nd October 1866.

Major R. J. Baker, District Superintendent of Police, Sumbulpore, in the Central Provinces, has obtained leave on medical certificate to the 31st December 1866, in extension of the medical leave granted to him in Notification No. 2017, dated 18th September 1865.

No. 5086.

The 3rd October 1866.

Doctor J. Reid, Civil Assistant Surgeon of Chindwarra in the Central Provinces, has obtained leave of absence on medical certificate from the 23rd of July 1866, or such date as he may have availed himself of the same, to the 31st of October 1866.

No. 5113.

The 4th October 1866.

The Governor General in Council, under the authority vested in him by Her Majesty's Warrant of the 21st of May 1862, is pleased to declare that the Judges of the Chief Court for the Punjab shall have rank and precedence similar to that formerly held by the Judges of the Courts of Sudder Adawlut in Bengal and the North-Western Provinces, that is to say, immediately above Civilians of the First Class.*

No. 5133.

The 5th October 1866.

Mr. C. B. Saunders, C. B., delivered over charge of the Office of Judicial Commissioner of Mysore and Coorg to Mr. I. R. Kindersley on the 10th ultimo.

No. 5135.

His Excellency the Viceroy and Governor General, under the authority vested in him by the Act XXIV. and XXV. Vic., Cap. 67, Section 10, is pleased to nominate His Highness Nawab Mahomed Kulb Ali Khan Bahadoor, Nawab of Rampore, to be an additional Member of the Council of the Governor General for the purpose of making Laws and Regulations only.

E. C. BAYLEY,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

No. 242.

JUDICIAL.

Simla, the 3rd October 1866.

Notifications.—Under Section 12 of Act XXII. of 1864, His Excellency the Governor General in Council is pleased to extend the provisions of Section 34 of Act V. of 1861 [*An Act for the regulation of Police*] to the undermentioned British Cantonments in Central India :—

Gwalior, | Nagode,
Nowgong, | Mhow,
Neemuch.

No. 247.

The 4th October 1866.

A Commission of the Peace was issued from the High Court of Judicature in Bengal on the 20th ultimo, directed to the undermentioned Officer serving in Rajpootana:—

Captain Eugene Clutterbuck Impey, Political Agent in Marwar.

No. 1013.

POLITICAL.

The 4th October 1866.

Erratum.—In the letter from the Foreign Secretary to the Governor General's Agent in Rajpootana, No. 795, dated 31st July 1866, which was published at page 321 of the Supplement to the *Gazette of India*, dated 11th August 1866—

For

"*Thakoor* Futteh Sing,"

Read

Rajah Futteh Sing.

No. 1507.

GENERAL.

The 3rd October 1866.

Promotion.—Moung Kulla, Extra Assistant Commissioner in British Burmah, is promoted from the 2nd Class, 1st Grade, to the 1st Class, 2nd Grade, *vice* Moung Pha-too-tway, retired.

No. 1509.

Appointment.—Lieutenant C. H. A. Gower, of the Royal (Madras) Artillery, to be an additional Assistant Commissioner, 3rd Grade, in British Burmah.

This appointment will have retrospective effect from the 20th April last.

No. 1512.

Leave.—Privilege leave for one month is granted to Mr. J. Lloyd, Officiating Extra Assistant Commissioner, Central Provinces.

No. 1518.

The 4th October 1866.

Appointments.—Lieutenant-Colonel L. Barrow, C. B., Commissioner, Lucknow Division, will act as Financial Commissioner during the absence of Mr. R. H. Davies, on privilege leave.

Mr. W. C. Capper, Deputy Commissioner and Settlement Officer, Lucknow, will officiate as Commissioner of the Lucknow Division on his return from leave.

Mr. G. B. Maconochie, Assistant Settlement Officer, will continue to officiate as Settlement Officer of the Lucknow District during the time Mr. Capper is acting for Colonel Barrow.

Major J. A. Steel, Officiating Deputy Commissioner of Lucknow, will act as Commissioner of the Lucknow Division from the date of Mr. Davies' departure till the return of Mr. Capper from leave.

Mr. J. Reid, Officiating Deputy Commissioner of Durriabad, will officiate as Deputy Commissioner of Lucknow, until Major Steel is relieved in the Commissioner's Office by Mr. Capper.

Major Chamier, Settlement Officer of Durriabad, will discharge the duties of Deputy Commissioner of that District, in addition to his other duties, during Mr. Reid's absence on deputation at Lucknow.

No. 1520.

Lieutenant W. Tweedie, 1st Cavalry, Hyderabad Contingent, to be 2nd Assistant to the Resident at Hyderabad, *vice* Captain Fraser, but to continue to officiate as Cantonment Magistrate of Secunderabad until the return of Major Jones.

J. W. S. WYLLIE,

Under-Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

From E. H. LUSHINGTON, ESQ., Secretary to the Government of India, to the Officiating Head Commissioner of Paper Currency,—(No. 2515, dated Simla, the 2nd October 1866).

I am directed to acknowledge the receipt of your letter No. 254, dated the 10th September 1866, stating that inconvenience is caused by that part of paragraph 8 of Financial Notification No. 1004A., dated the 30th July 1866, which directs that intimation of the loss, destruction, or mutilation of a note or portion of a note of a Branch Circle be given to the Head Commissioner, and suggesting that this requirement of the 8th paragraph be cancelled, as intimation of the stoppage of notes is always sent by the Deputy Commissioner to the Head Officer, while it is inconvenient for the losers to address both the Head Office and the Deputy Commissioner of the Branch Circle, and their doing so may lead to confusion.

2. The Governor General in Council is pleased to adopt your suggestion, and I am to request that the Commissioner of Madras may be informed that, under the amendment now authorized, the loss of a Currency Note of the Calicut or Trinchinopoly Circle need not be intimated to him by the losers.

ORDERED that a copy of the foregoing be published in the *Gazette of India*.

No. 2640.

The 4th October 1866.

Notifications.—The following Statement of the Silver received and coined in the Mints of Calcutta, Madras and Bombay, in August 1866, is published for general information :—

	Calcutta.			Madras.			Bombay.		
	Bullion or Coin received during the month, valued in Rupees.		Coined and examined during the month, valued in Rupees.	Bullion or Coin received during the month, valued in Rupees.		Coined and examined during the month, valued in Rupees.	Bullion or Coin received during the month, valued in Rupees.		Coined and examined during the month, valued in Rupees.
	Govt.	Merchants.		Govt.	Merchants.		Govt.	Merchants.	
1866.									
In August ...	90,528	42,27,321	32,31,179	17,00,000	1,66,829	...	...	19,08,844	25,99,279

No. 2648.

The 5th October 1866.

With reference to Financial Notification No. 2368, dated the 14th ultimo, Mr. Tudor Trevor is appointed to officiate in the 4th Class of the Financial Department for the period during which he may officiate for Mr. R. A. Sterndale, as Assistant Commissioner of Paper Currency in charge of the Exchange Department, Calcutta.

No. 2661A.

In continuation of Notification No. 2263, dated the 6th September 1866, the following Statement of Cash Balances, as reported up to this date in the Government Treasuries in India, at the close of the month of July last, contrasted with that of the previous years, is published for general information :—

	July 1864.	July 1865.	July 1866.
	Rupees.	*Rupees.*	*Rupees.*
Government of India	2,33,26,028	2,01,75,588	1,90,38,794
Bengal	1,65,88,793	1,55,50,166	1,05,08,162
British Burmah		26,24,768	19,92,382
North-Western Provinces	2,25,74,849	2,35,38,928	2,19,21,266
Oudh		60,04,997	46,78,667
Punjab	1,19,03,709	1,55,52,902	1,14,16,621
Bombay	2,29,11,673	2,06,89,974	2,76,99,657
Central Provinces	54,47,379	47,20,067	47,32,938
Deccan	25,55,947	29,41,707	46,85,531
Madras	2,81,22,903	2,27,19,303	2,42,11,791
Total Rupees ...	13,34,31,281	13,45,21,400	13,02,85,809

Published by Order of the Governor General in Council,

E. H. Lushington,

Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 1st October 1866.

No. 825 *of* 1866.—The undermentioned Non-Commissioned Officer is admitted to pension, as specified opposite to his name:—

Sergeant-Major John Ryan, of F. Battery, 19th Brigade, Royal Artillery	Rs. 30 per mensem, payable in India.

The 2nd October 1866.

No. 826 *of* 1866.—With reference to G. G. O. No. 386 of the 26th April 1866, it is hereby notified that the Commissioners of Chelsea Hospital have increased the pension of Private W. H. Dean, late of Her Majesty's 51st Foot, from one shilling to one shilling and one penny per diem, from the date on which his pension commenced.

No. 827 *of* 1866.—The undermentioned Officers having completed twenty-six years' service, eight years of which were on permanent staff employ, to be Lieutenant-Colonels, from the dates specified opposite to their respective names, under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval:—

Bengal Staff Corps:

Major (Brevet Lieutenant-Colonel) Charles St. George Brownlow ..	26th September 1866.
Major Percy Fortescue Gardiner Major Charles Frederic Smith ...	27th September 1866.

No. 828 *of* 1866.—The undermentioned Officer having completed twelve years' service, four years of which were on permanent staff employ, to be Captain from the date specified, under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval:—

Bengal Staff Corps:

Lieutenant Benjamin Williams... 27th Sept. 1866.

No. 829 *of* 1866.—The following promotions are made, from the dates specified, under the operation of G. G. O. No. 632 of the 4th August 1864, paragraph 69, subject to Her Majesty's approval:—

BREVET.

To be Lieutenant-Colonel:

Major Albert Balcombe Beatson, late 56th Native Infantry ...	27th September 1866.

To be Captain:

Lieutenant Charles David Pater Nott, late 4th European Regt.	27th September 1866.

No. 830 *of* 1866.—With reference to G. G. O. No. 165 of the 2nd March 1863, the names of the undermentioned Officers who retired from the service under the Annuity Scheme of 1861, are removed from the list of Regimental Lieutenant-Colonels:—

RANK AND NAMES.	REMARKS.
Lieut.-Colonel (Major General, Retired List) John Lewis Taylor	By the death of Colonel (General) T. H. Paul, Bengal Infantry.
Lieut.-Colonel (Major General, Retired List) John Caulfeild Hannyngton	By the death of Colonel (General) S. Swinhoe, Bengal Infantry.
Lieut.-Colonel (Major General, Retired List) Arthur Cole Spottiswoode	By the death of Colonel (General) C. W. Hamilton, Bengal Infantry.

No. 831 *of* 1866.—The undermentioned out-pensioners of the Royal Hospital at Chelsea having been permitted to reside and draw their stipends in India, payment of pension is to be made and charged accordingly:—

	Rate of Pension per diem.
Quarter Master Sergeant Nathaniel W. Bancroft, late of the Horse Brigade, Royal Artillery	(2*s.* 3*d.*) two shillings and three pence, from the date on which he ceases to receive regimental pay or allowance.
Sergeant John Hanley, late of the 25th Brigade, Royal Artillery	(1*s.*) one shilling, from the date on which he ceases to receive regimental pay or allowance.
Trumpeter Henry Battenburgh, late of the 25th Brigade, Royal Artillery	(1*s.*) one shilling, from the date on which he ceases to receive regimental pay or allowance.
Trumpeter James Dobson, late of the 24th Brigade, Royal Artillery	(6*d.*) sixpence, for three years and three months, from the date on which he ceases to receive regimental pay or allowance.
Trumpeter George Williamson, late of the 22nd Brigade, Royal Artillery	(1*s.*) one shilling, from the date on which he ceases to receive regimental pay or allowance.
Gunner Samuel Newson, late of the 22nd Brigade, Royal Artillery	(1*s.*) one shilling, from the date on which he ceases to receive regimental pay or allowance.

Gunner William Kennedy, late of the 19th Brigade, Royal Artillery	(1*s.*) one shilling, from the date on which he ceases to receive regimental pay or allowance.
Private Edward Alson, late of the 20th Hussars	(1*s.*) one shilling, from the date on which he ceases to receive regimental pay or allowance.
Private William Parsons, late of the 101st Foot	(1*s.*) one shilling, from the date on which he ceases to receive regimental pay or allowance.

No. 832 *of* 1866.—The leave of absence to proceed to the Cape of Good Hope on medical certificate granted to Lieutenant C. R. Cock, in G. G. O. No. 849 of the 11th September 1865, is extended for a period of three months, on the same account.

The 3rd October 1866.

No. 833 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following temporary appointment:—

Lieutenant M. H. Heathcote, of the Bengal Staff Corps, 1st Doing-duty Officer, 1st Bengal Cavalry, to be Deputy Assistant Quarter Master General in charge of the Camp of His Excellency the Governor General, with effect from the 1st October 1866.

No. 834 *of* 1866.—The following alterations of rank are made, subject to Her Majesty's approval:—

MEDICAL DEPARTMENT.

Rank and Names.	To rank from.	In whose room.
Surgeon Joseph Ewart, M. D.	24th June 1865	Surgeon R. Parker, M. D., retired.
Surgeon Robert Moir, M. D.	19th July 1865	Surgeon-Major F. Douglas, M. D., retired.
Surgeon Theodore Duka, M. D.	27th July 1865	Surgeon-Major J. H. Littler, M. D., retired.
Surgeon George Vernon Currie .	1st Aug. 1865	Deputy Inspector General of Hospitals G. Harper, retired.
Surgeon Lachlan Hector John Maclean, M. D.	24th Nov. 1865	Principal Inspector General J. McClelland, FEL. U. C., retired.
Surgeon Henry Martineau Greenhow, F. R. C. S.	1st Jan. 1866	Surgeon D. H. Small, retired,
Surgeon Henry William Graham	3rd Jan. 1866	Surgeon-Major T. C. Hutchinson, retired.
Surgeon John Elliot, M. D.	14th Feb. 1866	Surgeon-Major C. Hathaway, M. D., retired.

Supernumerary Surgeon Samuel Delpratt is brought on the establishment of Surgeons, to fill an existing vacancy.

No. 835 *of* 1866.—The undermentioned Officers have reported their departure on the dates specified, *viz.*,:—

Captain H. C. P. Rice, of the Bengal Staff Corps, G. G. O. No. 343 of 1866	*Bhima*, 19th May 1866, from Bombay.
Surgeon-Major H. B. Hinton, of the Medical Department, G. G. O. No. 791 of 1866...	*Bengal*, 10th September 1866.

No. 836 *of* 1866.—The undermentioned Officers have reported their return from England:—

	Date of arrival at Fort William.
Lieutenant F. Currie, of the late 1st European Light Cavalry, Assistant Commissioner, 3rd Class, Roy Bareilly	21st September 1866.
Captain A. D. Jennings, of the late 2nd European Light Cavalry	22nd September 1866.

No. 837 *of* 1866.—The undermentioned out-pensioner having been permitted to reside and draw his stipend in the Bengal Presidency, payment of pension is to be made and charged accordingly :—

	Rate of Pension.
Sergeant John Lissant, an out-pensioner of the Royal Hospital at Chelsea, from the Bengal Regiment of Artillery	(2*s.*) two shillings per diem, paid up to the 30th June 1866.

No. 838 *of* 1866.—The following promotion is made from the date specified, under the operation of G. G. O. No. 632 of the 4th August 1864, paragraph 69, subject to Her Majesty's approval :—

BREVET.

To be Lieutenant-Colonel:

Major Arthur Walshman Owen, Staff Corps...	21st August 1866.

No. 839 *of* 1866.—The following promotion is made, subject to Her Majesty's approval :—

Corps.	Rank and Name.	To what rank promoted.	From what date.	In whose room.
Cadre of the late 2nd European Light Cavalry	Lieutenant Robert Gordon Loch (20th Hussars) ...	Captain	23rd Sept. 1866	Captain D. Compton, deceased.

No. 840 *of* 1866.—His Excellency the Governor General of India in Council is pleased to make the following appointments :—

Major-General W. F. Beatson, of the Bengal Army, to the Divisional Staff of the Army, in succession to Major-General F. Wheler, C. B., whose tour on the Divisional Staff will expire on the 25th October 1866.

Major-General C. S. Reid, Royal (Bengal) Artillery, temporarily to the Divisional Staff of the Army, during the absence on sick leave to Europe of Major-General A. M. Becher, C. B., or until further orders.

No. 811 *of* 1866.—The following extracts from the *London Gazette* of the 3rd August 1866, pages 4351 to 4354, are published for general information :—

INDIA OFFICE;
The 2nd August 1866.

Her Majesty has been pleased to approve of the following promotions, alterations of rank, &c., amongst the Officers of the Staff Corps and Her Majesty's Indian Military Forces, made by the Government of India :—

BREVET.

The undermentioned Officers, who have completed the prescribed term of service, to be Colonels in the Army, under the operation of the Royal Warrant of the 31st January 1859 :—

Lieutenant-Colonel Thomas Edward Hinde, Bengal Infantry Dated 1st September 1865.

Lieutenant-Colonel James Mackillop Taylor, Bombay Cavalry. Dated 5th February 1866.

Lieutenant-Colonel Thomas Augustus Carey, Bengal Staff Corps. Dated 18th March 1866.

Major Malcolm Scrimshire Green, C. B., Bombay Staff Corps, to be Lieutenant-Colonel, in succession to General Truscott, Bengal Infantry, deceased. Dated 13th June 1865.

Major Henry Francis Maxwell Boisragon, Bengal Staff Corps, to be Lieutenant-Colonel, Captain George Brown Roberts, Madras Staff Corps, to be Major, in succession to Lieutenant-General Watkins, Madras Infantry, deceased. Dated 13th June 1865.

Major Charles Henry Barchard, C. B., Bengal Infantry, to be Lieutenant-Colonel, Captain Henry White Best, Bengal Cavalry, to be Major, in succession to Major-General Sir Stuart Corbett, K. C. B., Bengal Infantry, deceased. Dated 2nd August 1865.

Major Thomas Edward Kennion, Royal (Bengal) Artillery, to be Lieutenant-Colonel, Captain Robert Peniston Milbanke Crewe, Madras Infantry, to be Major, in succession to General Salter, C. B., Bengal Cavalry, deceased. Dated 22nd August 1855.

Major Alfred Light, Royal (Bengal) Infantry, to be Lieutenant-Colonel, Captain James Forbes Robertson, Bombay Staff Corps, to be Major, in succession to Major-General Showers, C. B., deceased, Bengal Infantry. Dated 9th October 1865.

Major William Carmichael Russell, Royal (Bengal) Artillery, to be Lieutenant-Colonel, Captain Robert Church, Madras Infantry, to be Major, in succession to Major-General Scott, Bombay Infantry, deceased. Dated 12th October 1865.

Major Thomas Harmer Sibley, Bengal Staff Corps, to be Lieutenant-Colonel, Captain Edward Holbecke Couchman, Royal (Madras) Artillery, to be Major, in succession to Lieutenant-General Sargent, Madras Infantry. Dated 20th November 1865.

Major John Joseph Lawrie, Bombay Infantry, to be Lieutenant-Colonel, Captain George Holland, Royal (Bengal) Artillery, to be Major, in succession to Lieutenant-General Gowan, C. B., Royal (Bengal) Artillery, deceased. Dated 20th December 1865.

BENGAL ARMY.

To be Colonels.

Lieutenant-Colonel Arthur Purves Phayre, C. B., Staff Corps. Dated 18th February 1866.

Lieutenant-Colonel Francis Elliot Voyle, Staff Corps. Dated 18th February 1866.

Lieutenant-Colonel John Talbot Shakespear. Dated 18th February 1866.

Lieutenant-Colonel George Mytton Hill, Staff Corps. Dated 18th February 1866.

Lieutenant-Colonel James Corse Scott, Staff Corps. Dated 18th February 1866.

Lieutenant-Colonel William Henry Ryves, Staff Corps. Dated 18th February 1866.

Lieutenant-Colonel Henry Ramsay, C. B. Dated 18th February 1866.

Lieutenant-Colonel Frederic Dayot Atkinson, Staff Corps. Dated 18th February 1866.

Lieutenant-Colonel Brooke Boyd, Infantry. Dated 18th February 1866.

Lieutenant-Colonel Robert Troup, Infantry. Dated 18th February 1866.

Lieutenant-Colonel John Liptrott, Infantry. Dated 18th February 1866.

Lieutenant-Colonel Frederick Maitland, Infantry. Dated 18th February 1866.

Lieutenant-Colonel Herbert Edward Stacey Abbott, Infantry. Dated 18th February 1866.

Lieutenant-Colonel Samuel Brougham Faddy, Infantry. Dated 9th March 1866.

To be Lieutenant-Colonels.

Major Robertson Larkins, late 49th Native Infantry. Dated 10th December 1865.

Major George Gibson Anderson, late 15th Native Infantry. Dated 10th December 1865.

Major Edward Tulloch, late 69th Native Infantry. Dated 10th December 1865.

Major Lenox James Farquharson, late 3rd European Cavalry. Dated 3rd January 1866.

Major Richard Nicholas, late 64th Native Infantry. Dated 3rd January 1866.

Major John Hood, late 49th Native Infantry. Dated 29th January 1866.

Major John Scott Phillpotts, late 66th Native Infantry. Dated 15th February 1866.

Major Hugh Lowman Pester, late 63rd Native Infantry. Dated 8th March 1866.

To be Majors.

Captain William Robert Gordon, Staff Corps. Dated 12th December 1865.

Captain Walter Henry Smith, late 56th Native Infantry. Dated 20th December 1865.

Captain Danvers Henry Osborn, late 54th Native Infantry. Dated 27th December 1865.

Captain William Harrington Hawes, late 63rd Native Infantry. Dated 7th January 1866.

Captain James Augustus Grant, late 6th European Regiment. Dated 26th January 1866.

Captain Henry Lockhart Gleig, late 32nd Native Infantry. Dated 29th January 1866.

Captain William Bolton Girdlestone, late 67th Native Infantry. Dated 4th February 1866.

Captain Stephen Douglas, Unattached. Dated 10th February 1866.

To be Captains.

Lieutenant John Skynner Walters, late 28th Native Infantry. Dated 9th December 1865.

Lieutenant Francis Frederick Rowcroft, late 2nd Native Infantry. Dated 10th December 1865.

Lieutenant Harry De Brett, late 57th Native Infantry. Dated 10th December 1865.

Lieutenant Thomas Richard Devereux Bingham, Staff Corps. Dated 13th December 1865.

Lieutenant George Nicholson Saunders, late 24th Native Infantry. Dated 20th December 1865.

Lieutenant Henry Loftus Alexander Tottenham, late 67th Native Infantry. Dated 20th December 1865.

Lieutenant Robert Stanwix Robertson, late 6th European Regiment. Dated 4th February 1866.

BENGAL STAFF CORPS.

ADMISSIONS.

To be Lieutenants.

Lieutenant Theodore William Hogg, 20th Hussars. Dated 18th May 1858.

Lieutenant Howard James Barton, 2nd Dragoon Guards. Dated 10th May 1861.

PROMOTIONS.

To be Lieutenant-Colonels.

Major (Brevet Lieutenant-Colonel) Octavius Hamilton. Dated 24th January 1865.

Major Augustus Henry Ternan. Dated 24th January 1865.

Major William Russell Eliott. Dated 10th December 1865.

Major Thomas Rattray. Dated 10th December 1865.

Major John Matthew Cripps. Dated 11th December 1865.

Major John William Bristow. Dated 11th December 1865.

Major Julius Bentall Dennys. Dated 3rd January 1866.

Major John Robertson Pughe. Dated 3rd January 1866.

Major George Gill Moxon. Dated 3rd January 1866.

Major Banastre Pryce Lloyd. Dated 3rd January 1866.

Major James Brooke Young Matheson. Dated 26th January 1866.

Major Olans John McLeod Farrington. Dated 15th February 1866.

Major Archibald Blackwood. Dated 15th February 1866.

Major (Brevet-Colonel) Reynell George Taylor, C. B., C. S. I. Dated 26th February 1866.

To be Majors.

Captain Augustus Kirkwood Comber. Dated 12th December 1865.

Captain James Burn. Dated 12th December 1865.

Captain James Dowell Swayne. Dated 12th December 1865.

Captain James Creighton Wood. Dated 12th December 1865.

Captain Charles Matthew Longmore. Dated 12th December 1865.

Captain Francis Atherton Dickins. Dated 12th December 1865.

Captain Thomas Francis Forster. Dated 13th December 1865.

Captain Frederick Cortlandt Anderson. Dated 13th December 1865.

Captain Montgomery Hunter. Dated 13th December 1865.

Captain (Brevet-Major) William Dashwood Hoste. Dated 14th December 1865.

Captain Thomas Branfill Harrison. Dated 20th December 1865.

Captain George Price. Dated 27th December 1865.

Captain (Brevet-Major) George Leith Fraser. Dated 6th January 1866.

Captain (Brevet-Major) John Mackillop Mackenzie. Dated 9th January 1866.

Captain Browne William Ryall. Dated 14th January 1866.

Captain Edward Dandridge. Dated 14th January 1866.

Captain William Campbell MacDougall. Dated 20th February 1866.

Captain Isaac Forsyth MacAndrew. Dated 20th February 1866.

Captain Herbert Johnston Hawes. Dated 24th February 1866.

Captain Thomas Taylor. Dated 6th March 1866.

To be Captains.

Lieutenant William Lyttelton Powys Drummond. Dated 9th December 1865.

Lieutenant Horatio Nelson Noble. Dated 9th December 1865.

Lieutenant William Rice Morland Holroyd. Dated 10th December 1865.

Lieutenant Robert George Armstrong. Dated 14th December 1865.

Lieutenant Charles Smith Maclean. Dated 14th December 1865.

Lieutenant Harry Chippendale Plunkett Rice. Dated 20th December 1865.

Lieutenant Robert Durie Osborn. Dated 20th December 1865.

Lieutenant Alexander Copland. Dated 14th January 1866.

Lieutenant George Robertson Hennessey. Dated 4th February 1866.

Lieutenant Montague Charles Perreau. Dated 4th February 1866.

Lieutenant Harry Dawkins Eardley Wilmot Chester. Dated 20th February 1866.

Lieutenant Alexander Shand Thain. Dated 20th February 1866.

Lieutenant Alexandar Haldane Eckford. Dated 20th February 1866.

Lieutenant Herbert Sconce. Dated 20th February 1866.

Lieutenant James Nicholas Brulton Hewett. Dated 4th March 1866.

Lieutenant William Gordon Chalmers. Dated 4th April 1866.

Lieutenant Frederick Macdonald Birch. Dated 4th April 1866.

Lieutenant John Withers Macqueen. Dated 4th April 1866.

Lieutenant George Henry Welland Hoggan. Dated 4th April 1866.

Lieutenant Charles Edward Stewart. Dated 4th April 1866.

ALTERATIONS OF RANK.

Major (Brevet Lieutenant-Colonel) Sydney Joseph Hire, to rank from 12th June 1861.

Captain Thomas Quin, to rank from 20th February 1861.

BENGAL ARMY.

Infantry.

Major (Brevet Lieutenant-Colonel) Rowland Rees Mainwaring, from late 6th European Regiment, to be Lieutenant-Colonel, *vice* Spence (Staff Corps), removed from list of Lieutenant-Colonels. Dated 5th June 1865.

Major Nicholas Carnegie Boswell, from late 2nd Native Infantry, to be Lieutenant-Colonel, in succession to Travers, promoted to Major-General. Dated 23rd July 1866.

Major (Brevet Lieutenant-Colonel) William Robert Cunningham, from late 5th European Regiment, to be Lieutenant-Colonel, *vice* Whish (Staff Corps), removed from list of Lieutenant-Colonels. Dated 22nd August 1865.

Major John Scott Phillpotts, from late 66th Native Infantry, to be Lieutenant-Colonel, *vice* Darvall, promoted to Major-General. Dated 20th November 1865.

Late 4th European Infantry.

Captain (Brevet-Major) John Ward to be Major, Lieutenant Malcolm George Clerk to be Captain, in succession to Liptrap, promoted to Major-General. Dated 22nd August 1865.

Late 6th European Regiment.

Captain (Brevet-Major) Charles Need to be Major, in succession to Spence (Staff Corps), removed from list of Lieutenant-Colonels. Dated 5th June 1865.

Late 2nd Native Infantry.

Lieutenant (Brevet-Captain) Jocelyn Pickard Cambridge to be Captain, in succession to Travers, promoted to Major-General. Dated 23rd July 1865.

Late 12th Native Infantry.

Lieutenant Frederick Donnelly Harington to be Captain, *vice* Remington, resigned. Dated 30th November 1865.

Late 20th Native Infantry.

Lieutenant (Brevet-Captain) John Hobart Tyler to be Captain, in succession to Richards (Staff Corps), removed from list of Lieutenant-Colonels. Dated 5th June 1865.

Late 28th Native Infantry.

Lieutenant (Brevet-Captain) John Skynner Walters to be Captain, *vice* Chapman, retired. Dated 11th August 1864.

Late 46th Native Infantry.

Lieutenant (Brevet-Captain) James John Russell, to be Captain, *vice* Smith (Staff Corps), deceased. Dated 20th January 1866.

Late 54th Native Infantry.

Lieutenant (Brevet-Captain) Henry Loftus Alexander Tottenham to be Captain, *vice* Vanrenen, retired. Dated 10th March 1866.

Late 55th Native Infantry.

Lieutenant (Brevet-Captain) Edward Humphrey Woodcock to be Captain, in succession to Harris, promoted to Major-General. Dated 5th June 1865.

Late 60th Native Infantry.

Captain (Brevet-Major) William Clarke Green to be Major, Lieutenant George Anthony Aufrére Baker to be Captain, in succession to Turner, Staff Corps, removed from list of Lieutenant-Colonels. Dated 22nd August 1865.

Late 66th Native Infantry.

Captain (Brevet Lieutenant-Colonel) Campbell Claye Grant Ross to be Major, in succession to Darvall, promoted to Major-General. Dated 20th November 1865.

Late 67th Native Infantry.

Lieutenant (Brevet-Captain) Henry Loftus Alexander Tottenham to be Captain, *vice* Smith, deceased. Dated 4th March 1866.

ALTERATION OF RANK.

Late 2nd European Cavalry.

Captain John Shakespear Irvine to take rank from 28th December 1864.

MEDICAL OFFICERS.

PROMOTIONS.

To be Surgeons-Major.

Surgeon Thomas Maxwell, M. D. Dated 26th January 1866.

Surgeon Charles Palmer, M. D. Dated 20th February 1866.

Surgeon James King Walter. Dated 20th February 1866.

To be Surgeons.

Assistant-Surgeon Robert Moir, M. D. Dated 27th July 1865.

Assistant-Surgeon Theodore Duka, M. D. Dated 1st August 1865.

Assistant-Surgeon George Vernon Currie. Dated 24th November 1865.

Assistant-Surgeon Lachlan Hector John Maclean, M. D. Dated 1st January 1866.

Assistant-Surgeon Francis Hugh O'Donel, M. D. Dated 1st January 1866.

Assistant-Surgeon John James Trevor Lawrence. Dated 1st January 1866.

Assistant-Surgeon (Brevet-Surgeon) Henry Martineau Greenhow. Dated 3rd January 1866.

Assistant-Surgeon Henry William Graham. Dated 14th February 1866.

Assistant-Surgeon John Elliot, M. D. Dated 20th February 1866.

Assistant-Surgeon Thomas Beard Farncombe. Dated 20th February 1866.

Assistant-Surgeon Frederick John Earle. Dated 20th March 1866.

Assistant-Surgeon Theobald Ringer. Dated 17th April 1866.

ALTERATIONS OF RANK.

Surgeon Alfred Godley Crewe to rank from 24th May 1865.

Surgeon Nathaniel James Grant to rank from 3rd June 1865.

Surgeon Marcus William Mott, M. D., to rank from 14th June 1865.

The 4th October 1866.

No. 842 of 1866.—The undermentioned Officer is admitted to the Bengal Staff Corps, with effect from the date specified opposite to his name, subject to the confirmation of the Right Honorable the Secretary of State for India :—

Ensign Henry M. M. Wood, of Her Majesty's 35th Foot, 1st Doing-duty Officer, 3rd Punjab Infantry	11th August 1865.

No. 843 of 1866.—Errata.—In G. O. G. G. No. 465 of the 23rd May 1866, page 763—

11th Regiment, Native Infantry :

For Sepoy "Jhoomuck Sing," read Sepoy *Jhoomuck Ojah ;*

For Sepoy "Chundhun Tewarry," read Sepoy *Chandka Teweary ;*

For Sepoy "Ramsoon Sing," read Sepoy *Ramsurn Sing ;*

Opposite the name of Havildar Ramdial Pandy, for "Dinapore Circle," read *Cawnpore Circle.*

In G. O. G. G. No. 558 of the 26th June 1866, pages 913 and 914—

17th Regiment, Native Infantry :

For Havildar "Sertab Sing," read Havildar *Seitab Sing ;*

For Havildar "Thackoor Sing," read Havildar *Thakoor Sing ;*

For Drummer "Swarris Sevarroo, read Drummer *Swaris Levaroo ;*

For Sepoy "Mumer Rano," read Sepoy *Ummer Ram ;*

For Sepoy "Ripaul Sing," read Sepoy *Rissaul Sing.*

Page 911—

8th Regiment, Native Infantry:

For Subadar "Mahbool Shah," read Subadar *Mahaboob Shah;*

For Sepoy "Bhobhee Khan," read Sepoy *Bhobhee Khun.*

Order Books to be corrected accordingly.

No. 844 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following appointments:—

Ordnance Commissariat Department:

Lieutenant G. Lamb, 3rd Class, to officiate as 2nd Class Commissary, from the 9th of September 1866 Lieutenant S. H. Cowan, of the Royal Artillery, to officiate as 3rd Class Commissary	During the absence on sick leave to Europe of Captain A. Walker, Officiating 2nd Class Commissary, or until further orders.

The 5th October 1866.

No. 845 *of* 1866.—The following promotions are made in the Warrant Grades from the date specified to fill vacancies:—

PUBLIC WORKS DEPARTMENT.

To be Conductor:

Sub-Conductor M. Duncan, from the 14th June 1866, *vice* Conductor C. B. Goode, deceased.

To be Sub-Conductors:

Serjeant J. Brown, Supervisor, 1st Grade, from the 14th June 1866, *vice* Sub-Conductor M. Duncan, promoted,

Serjeant G. Richards,* *vice* Sub-Conductor C. Montagu, retired.

No. 846 *of* 1866.—The services of Assistant Surgeon D. J. Walsh, of the Medical Department, are placed temporarily at the disposal of the Government of the North-Western Provinces.

No. 847 *of* 1866.—Misapprehension having arisen on the subject, the Governor General of India in Council is pleased to notify, that the Bengal Military Regulations apply, throughout, not only to all Officers and Soldiers of the Indian Forces, but to Officers of the Bengal Staff Corps; and that wherever not repugnant to Her Majesty's Regulations for the Army, or to War Office Warrants or Circulars applicable to India, they apply also to Officers and Soldiers of Her Majesty's British Army serving in the Bengal Presidency.

H. K. BURNE, *Lieut.-Col.,*

Offg. Secy. to the Govt. of India.

* The date of Serjeant Richards' promotion will be notified hereafter.

PUBLIC WORKS DEPARTMENT.

No. 255.

ESTABLISHMENT.

Simla, the 1st October 1866.

Notification.—Mr. W. McCracken, Accountant, 3rd Grade, Mysore, has been granted one month's leave of absence on private affairs from the 12th September 1866, in extension of the leave allowed him in Notification No. 232 of the 1st September 1866.

No. 29F.

REVENUE—FORESTS.

The 4th October 1866.

Notification.—Lieutenant W. R. Martin, Officiating Assistant Conservator of Forests in Oudh, is granted leave of absence on private affairs from the 24th August to 15th October 1866.

C. H. DICKENS, *Lieut.-Col.,* R. A.,

Secy. to the Govt. of India.

NOTICE.

Whereas it appears that land is required to be taken up at the public expense for a public purpose, *viz.,* for cholera camps in the Roy Bareilly District, as per margin, it is hereby notified that land to the extent specified, and in the villages mentioned, be taken for the purpose.

	A.	R.	P.
1 Manikpoor Road—Jhukrasee Koochuria ..	14	8	39
2 Dulmow Road—Soolukhiapoor ..	8	0	1
3 Lucknow Road—Dundowlee ...	11	3	6
Total ...	34	3	6

This declaration is made under Section 2, Act VI. of 1857.

A. M. LANG, *Captain,* R. E.,

LUCKNOW, *The 21st Sept.* 1866. } *Asstt. Secy. to Chief Commr., D. P. W., Oudh.*

Revenue Survey Department.

No. 20.

Calcutta, the 25th September 1866.

Appointment.—Mr. R. B. Smart, Revenue Surveyor, to the charge of the 2nd Division, Central Provinces.

Transfers.—Lieutenant J. E. Sandeman, Assistant Revenue Surveyor, 2nd Division, Oudh, to the North-Western Frontier Survey.

Mr. G. Barrett, Junior Sub-Assistant Revenue Surveyor, from the Left Bank Indus (Sindh) to the 4th Division, Central Provinces.

J. E. GASTRELL, *Lieut.-Col.,*

Offg. Depy. Surveyor Genl. of India.

HIGH COURT, FORT WILLIAM.

In continuation of the Rules passed by the High Court on the 2nd of May last, in accordance with Section 4, Act XX. of 1865, for the qualification, admission, and enrollment of Pleaders and Mooktears in Mofussil Courts of the Regulation Provinces, and with reference to Rule 41 thereof—

It is hereby ordered that the whole of the said Rules, with the exception of Rule 41, shall extend to the Province of Assam, subject to the following exceptions, namely, that the examination of Pleaders of the lower grade for the Districts of Kamroop, Durrung, Nowgong, Seebsagur, and Luckimpore, shall not include the 4th and 6th subjects specified in Rule 18, and that in lieu thereof the candidates shall be examined in Act XXIII. of 1863 (for the adjudication of claims to Waste Lands), and the Rules of the Government of Bengal with reference to the sale of Waste Lands.

Rules passed by the High Court of Judicature at Fort William in Bengal, in accordance with Section 4, Act XX. of 1865, for the qualification, admission, and enrollment of Pleaders and Mooktears in the Courts of the Province of Chota Nagpore.

1. Pleaders in the Courts in the Province of Chota Nagpore shall, as regards qualifications, be of two grades.

2. Pleaders of the higher grade shall be competent to appear, plead, and act in any Civil, Criminal, or Revenue Court in the Province.

3. Those of the lower grade shall be competent to appear, plead, and act in the Courts of the Assistant Commissioners and Moonsiffs in the said Province.

4. Mooktears, duly admitted and enrolled, may, subject to the conditions of their certificates as to the class of Courts in which they are authorized to practise, appear and act in any Civil Court, and may appear, plead, and act in any Criminal Court within the said Province.

5. All persons who, on the 1st January 1866, were Pleaders, or were lawfully qualified to act as Pleaders in any of the Courts in the Province, are qualified to be admitted and enrolled as Pleaders, subject to the provisions of Act XX. of 1865. Such persons must make their applications for enrollment in the manner prescribed in Section 43 of the said Act.

Qualifications for Pleaders of the Higher Grade.

6. Every Pleader of the higher grade, admitted and enrolled under the rules passed by the High Court on the 2nd of May 1866, for the qualification, admission, and enrollment of Pleaders and Mooktears in Mofussil Courts of the Regulation Provinces, is competent, by virtue of Section 2 of the said rules, to appear, plead, and act in any Civil, Criminal, or Revenue Court in the Province of Chota Nagpore.

7. Every Pleader of the lower grade, admitted and enrolled under the aforesaid rules, who shall satisfy the High Court that he has passed the Entrance Examination of the University of Calcutta, Madras, or Bombay, shall, subject to the conditions of his certificate as to the class of Courts in which he is authorized to practise, be competent to appear, plead, and act in any of the Civil, Criminal, or Revenue Courts in the said Province.

Qualifications for Pleaders of the Lower Grade.

8. Every Pleader of the lower grade, admitted and enrolled under the aforesaid rules, who shall not have passed the Entrance Examination of the University of Calcutta, Madras, or Bombay, but who shall satisfy the High Court that he has obtained a certificate of having passed the examination for a Government Vernacular Scholarship or minor Scholarship, shall be competent to be a Pleader of the lower grade in the said Province.

9. Every person may be admitted as a Pleader of the lower grade in the said Province, who shall satisfy the Court that he possesses a competent knowledge of the subjects mentioned in this clause by producing a certificate from the Examiners hereinafter mentioned, that he has passed an examination in the Regulations, Enactments, and Text Books set opposite to the respective subjects:—

Subjects.	Regulations, Enactments, and Text Books.
1*st.*—The relation of Landlord and Tenant ..	Act X. of 1859, Act VI. of 1862 (Bengal Council).
2*nd.*—Law of Mortgages ...	Regulation I. of 1798, Regulation XVII. of 1806 (the parts in force).
3*rd.*—The Law of Limitation	Act XIV. of 1859.
4*th.*—The Law relating to Interest and Usury ..	Acts XXXII. of 1839, and XXVIII. of 1855.
5*th.*—The Law relating to Stamps	Act X. of 1862, Act XVIII. of 1865.
6*th.*—Civil Procedure ..	Act VIII. of 1859, Act XXIII. of 1861.
7*th.*—The Law of Evidence	Act II of 1855, and Norton on Evidence.
8*th.*—Criminal Law and Procedure	Penal Code (Act XLV. of 1860) Code of Criminal Procedure (Act XXV. of 1861).

10. The examination will be held before such persons as the Government of Bengal shall appoint to be Examiners in pursuance of Section 6, Act XX. of 1865, and according to such Regulations as shall be made by the said Government for conducting such examinations.

11. The application to the High Court for admission, shall be made within three years from the time of the applicant's passing the examination, or within such further time as the Court shall, for any special reason, allow.

12. In order to qualify a person to present himself for examination for the lower grade—

1*st*—He must hold a certificate of having passed the Entrance Examination of the

University of Calcutta, Madras or Bombay, or a certificate of having passed the examination for a Government Vernacular Scholarship, or minor Scholarship.

2nd—He must hold a satisfactory certificate of good moral character.

3rd—He must be between the ages of 20 and 35 years.

13. Every candidate for examination for the lower grade shall, six weeks at least before the day fixed for the examination, give notice to the Deputy Commissioner of the District in which he resides of his intention to present himself at the ensuing examination, and shall establish to the satisfaction of such Deputy Commissioner that he possesses the qualifications declared by Rule 12 to be necessary for such candidates.

14. The Deputy Commissioner, if satisfied that the candidate possesses such qualifications, shall thereupon enter his name, the name of his father, his place of residence, and his age, in a register with a certificate to the effect that the Deputy Commissioner has been satisfied that he possesses the necessary qualifications, and shall furnish the candidate with a copy of, or an extract from, the said register.

15. Before the date of examination, every candidate for the lower grade shall pay a fee of Rupees 10 into the Government Treasury of the District. The candidate shall at the same time present to the Collector the copy of the register furnished to him under Rule 14, and the Collector's receipt for the fee shall be endorsed thereon. Every candidate for examination shall produce to the Examiners the copy of the register granted to him by the Deputy Commissioner with the Collector's receipt endorsed thereon.

16. Any person who shall have passed for the lower grade under the preceding rules, and who shall desire to be admitted, shall pay into the Government Treasury of the District in which he shall intend to practise Rupees 10, and shall, on presentation of the Examiner's certificate, and of the Collector's receipt for the said sum of Rupees 10, be entitled to apply to the High Court for admission and enrollment.

17. The application, together with the certificate and receipt mentioned in Rule 16, shall be presented to the Deputy Commissioner of the District in which the applicant intends ordinarily to practise, and shall be forwarded by him to the Registrar of the High Court with any remarks which he may think fit to make thereon.

18. Upon the applicant's being admitted and enrolled by the High Court, a certificate to that effect shall be forwarded by the Registrar of the High Court to the Deputy Commissioner of the District, who, upon the applicant's delivering and leaving with him a declaration in writing signed by the said applicant in conformity with the recital in the form of certificate given in the 2nd Schedule to Act XX. of 1865, shall grant him a certificate as required by the said Act.

RULES FOR MOOKTEARS.

19. *1st.*—Any person qualified to be admitted as a Pleader of either grade, shall be entitled to be admitted as a Mooktear.

2nd.—Any person qualified to present himself for examination for a Pleadership of either grade, may present himself for examination to be admitted as Mooktear.

3rd.—Any person who can satisfy the Deputy Commissioner of the District that he possesses the following qualifications, may be admitted to examination for the office of Mooktear, *viz.*:—

A—That he is a person of good moral character;

B—That he has received a liberal education; and

C—That he is not above the age of 35 years, unless he has been previously practising as a Mooktear, in which case no limit of age will be prescribed.

20. Every candidate for examination as a Mooktear shall, six weeks at least before the day fixed for the examination, give notice to the Deputy Commissioner of the District in which he resides of his intention to present himself at the ensuing examination, and he shall at the time of giving such notice establish to the satisfaction of such Deputy Commissioner that he possesses all the qualifications declared by Rule 19 to be necessary for such candidates.

21. The Deputy Commissioner, if satisfied that the candidate possesses such qualifications, shall thereupon enter his name, the name of his father, his place of residence, and his age, in a register with a certificate to the effect that he possesses the necessary qualifications, and shall furnish the candidate with a copy of, or an extract from, the said register.

22. Before the date of examination, every candidate shall pay a fee of Rs. 5 into the Government Treasury of the District. The candidate shall at the same time present to the Collector the copy of the register furnished to him under Rule 21, and the Collector's receipt for the fee shall be endorsed thereon. The applicant shall produce to the Examiners the copy of the register granted to him by the Judge, with the Collector's receipt endorsed thereon.

23. The examination shall be held before such persons as the Government of Bengal shall appoint to be Examiners in pursuance of Section 6, Act XX. of 1865, and according to such Regulations as shall be made by the said Government for conducting such examinations. The examination shall be in the following subjects:—

Code of Civil Procedure.

Law of Limitation.

Stamp Laws.

Penal Code and Code of Criminal Procedure.

24. Any person who shall pass the examination as a Mooktear, and who shall desire to be admitted, shall pay into the Government Treasury of the District in which he shall intend to practise Rupees 8, and shall, on presentation of the certificate of the Examiners, and of the Collector's receipt for the said sum of Rupees 8, be entitled to apply to the High Court for admission and enrollment.

25. The application, together with the certificate and receipt required by Rule 24, shall be presented to the Deputy Commissioner of the District

in which the applicant intends ordinarily to practise, and shall be forwarded by the Deputy Commissioner to the Registrar of the High Court with such remarks as he may think fit to make thereon.

26. Upon the applicant's being admitted and enrolled by the High Court, a certificate to that effect shall be forwarded by the Registrar of the High Court to the Deputy Commissioner of the District, who, upon the applicant's delivering and leaving with him a declaration in writing signed by the said applicant in conformity with the recital in the form of certificate given in the 2nd Schedule to Act XX. of 1865, shall grant him a certificate as required by the said Act.

27. If any person having passed the examination entitling him to be admitted and enrolled as a Mooktear, shall fail to apply for such admission and enrollment for a period of three years, he shall not be admitted and enrolled, unless, by special order of the High Court, the time for such application shall be extended

28. Provided that any person, who, on the 1st January 1866, had been practising for the term of one year at least immediately preceding that date as a Mooktear in a Criminal Court, and who shall satisfy the Deputy Commissioner of the District in which he ordinarily practised that he is a person of good moral character, and qualified by his knowledge of law and procedure to continue practising as Mooktear, shall be admitted to practise in any Criminal Court.

29. If any person having been admitted and enrolled as a Pleader or Mooktear, shall neglect to take out a certificate, or, having obtained a certificate, shall fail to renew it for a period of three years, he shall be suspended, and shall not be entitled to receive a certificate, or to have his certificate renewed without further orders of the High Court.

30. Any person, who having been admitted as a Pleader or Mooktear shall accept any appointment under Government, or shall enter into any trade or other business, shall give notice thereof to the High Court, who may thereupon pass such orders as the Court may think fit.

31. Any person who shall hold any appointment under Government, or shall carry on any trade or other business, at the time of his application for admission as a Pleader or Mooktear, shall state the fact in his application for admission.

32. Any wilful violation of any of the above Rules, shall subject a Pleader or Mooktear to suspension or dismissal.

ADVERTISEMENTS.

LOST OR STOLEN.

Halves of the following Currency Notes—intimation of loss given to the Currency Office, Calcutta :—

Nos. A30—77650 and A30—24584, for Rs. 100 each; No. A25—48451, for Rs. 20; and Nos. A19—01611, A19—18820, and A19—73675, for Rs. 10 each.

J. SHERRIFF,
Manager.

In the Court for Relief of Insolvent Debtors at Singapore.

In the matter of *John Murray Purvis*, of Singapore, merchant, carrying on business at Commercial Square in the Town and Island of Singapore, under the name and style of *John Purvis and Son*, and residing at Glassmount in the District of Toah Pyoh in the Island of Singapore, an Insolvent.

On Friday, the 27th day of July last, it was ordered that Wednesday, the 27th day of November 1867, should be appointed for the further hearing of this matter, and that unless cause be shewn to the contrary on that day, the said Insolvent should be discharged personally, as well as to his after acquired property from all liability for debts, claims and demands, of and against the said Insolvent at the time of the filing of his Petition for relief.

CHIEF CLERK'S OFFICE,
SINGAPORE,
The 20th August 1866.

G. W. LECERF,
Chief Clerk.

BANK OF BENGAL.

Under the amended orders of Government, dated Simla, the 21st instant, Notice is hereby given that the Bank of Bengal, General Treasury, and Public Debt Office, will be closed on the following days, *viz.* :—

On Monday, the 8th October, on account of the Hindoo Festival "Mohaloyah."

From Monday, the 15th, to Saturday, the 27th October, both days inclusive, on account of the Doorga and Luchmee Poojah Holidays.

All Government acceptances which may fall due between the 15th and 27th October, will be paid by the Bank on any day after the 11th October.

By Order of the Directors,

CALCUTTA,
The 25th September 1866.

GEO. DICKSON,
Secy. and Treasurer.

Department of Issue of Paper Currency.

The 26th September 1866.

The Paper Currency Exchange Department at the Treasury Buildings will be closed on Monday, the 8th October 1866, on account of Hindoo Festival "Mohaloyah;" and from Monday, the 15th, to Saturday, 27th October 1866, both days inclusive, on account of the "Doorga" and "Luchmee" Poojah Holidays.

TUDOR TREVOR,
Offg. Asstt. Commr. of Paper Currency.

LOST OR STOLEN

At Delhi on or about 25th July 1866, the first halves of Government Notes noted below :—

No. A26—26676, dated 15th May 1862, for Rs. 20, and No. A18-55234, dated 8th May 1862, for Rs. 10.

DEWAN SING,
Asstt. Patrol, Customs Dept.

LOST.

Halves of Government Currency Notes Nos. A30—84650 and 84651, for Rs. 100 each.

LOST.

Left half of the following Currency Note—intimation of loss given to the Currency Office, Calcutta :—

No. A28—66546, for Rs. 1,000.

LOST OR STOLEN.

Half of the following Currency Note—intimation of loss given to the Currency Office, Calcutta :—

No. A30—87061, for Rs. 100.

LOST

In transit, right halves of the undermentioned Currency Notes, Madras Circle :—

Nos. B9—59179, dated 14th July 1863, for Rs. 20; and B8—80843, dated 7th July 1863, for Rs. 10.

LOST.

Left halves of Government Currency Notes, Nos. A30—22923 and 22924, for Rs. 200 each; and Nos. A23—84233 and 71296, for Rs. 100 each.

LOST

During the Mutiny of 1857, Government Security No. 57660 of 26219 of 1841-42, for Rs. 5,000, originally standing in the name of Hyder Ally.

Application made to Government for issue of a duplicate in my name.

WUZEER KHANUM,
Widow of HYDER ALLY,
By her Agent SEROSING.

LOST OR STOLEN.

Undermentioned Government Promissory Notes :—

No. 21655 of 1856-57, for Rs. 500.
„ 21656 ditto ditto Rs. 500.

Total Rs. 1,000.

Renewal and payment of interest on which have been stopped at the Bank of Bengal.

Apply to—

G. F. BEHRENDS,
3, LYON'S RANGE. *Constd. Atty. for* JOHN OGLE.

BENGAL OFFICIAL ARMY LIST.

The Bengal Official Quarterly Army List, No. XVIII, corrected in the Office of the Adjutant General up to the 1st October, is in the Press, and will be published shortly. Price five Rupees in advance, and eight annas extra if sent by Post. Apply at the Office of Superintendent, Government Printing, Military Orphan Press, Calcutta.

LOST OR STOLEN.

Half of the following Currency Note—intimation of loss given to the Currency Office, Calcutta :—

No. A9—30152, for Rs. 20.

GILLANDERS, ARBUTHNOT & CO.

LOST.

First half of the following Currency Note—intimation of loss given to the Currency Office, Allahabad :—

No. A18—15155, for Rupees 10.

MAHOMED BAQAR.

DESTROYED BY DAMP.

Currency Note No. A15—10412, for Rs. 500—intimation of destruction given to the Currency Office, Calcutta.

SHUMSHEER ALLY,
Treasurer, Darjeeling Collectorate.

STOLEN

In transit by Post, first half of Government Currency Note No. A26—30583, for Rs. 20, of the Lahore Circle.

LOST.

The following Government Currency entire Notes, Allahabad Circle :—

No. 06844, dated 15th July 1861, for Rs. 50.
„ 03109, dated 15th July 1861, for Rs. 50.
„ 14099, dated 8th May 1862, for Rs. 10.

Payment stopped.

SEETANAUTH CHATERJEE,
Commst. Agent with Detacht. H. M.'s 58th Regt.
AZIMGURH,
The 25th September 1866.

LOST

In transit from Allahabad to Calcutta, Government Currency Note No. 63572, for Rs. 20.

DESTROYED.

The undermentioned Government Promissory Notes standing in the name of Vilaitee Begum, the Proprietor, by whom they were never endorsed to any other person. Payments of the Notes and Interest has been stopped at the Loan Office, and application is about to be made to Government for the issue of duplicate Notes in favour of the Proprietor :—

No. 28075 of		1842-43, for Rs.	50,000
„ 4482 of		1854-55, for „	8,000
„ 7608 of	4564 of	1854-55, for „	1,200
„ 27728 of		1854-55, for „	20,000

LUCKNOW,
The 18th Sept. 1866. } VALAITEE BEGUM.

NOTICE.

Half of the following Currency Note—intimation of loss given to the Currency Office, Allahabad:—

No. A18—11444, for Rs. 10.

ALLAHABAD, *The 25th September* 1866. } R. CARR.

IN CHANCERY.

In the Matter of the Companies Act, 1862,

and

In the Matter of the Commercial Bank Corporation of India and the East.

The creditors of the above-named Company are required, on or before the 10th day of November 1866, to send their names and addresses and the particulars of their debts or claims, and the names and addresses of their Solicitors, if any, to Mr. William Hopkins Holyland, the Official Liquidator of the said Corporation, at his Offices situtate No. 13, Gresham Street in the City of London; and if so required by Notice in writing from the said Official Liquidator, are, by the Solicitors, to come in and prove their said debts or claims at the Chambers of the Master of the Rolls at Rolls Yard, Chancery Lane in the County of Middlesex, at such time as shall be specified in such Notice, or in default thereof they will be excluded from the benefit of any distribution made before such debts are proved.

Monday, the 3rd December 1866, at 11 o'clock in the forenoon, at the said Chambers, is appointed for hearing and adjudicating on the debts and claims.

As it is proposed to pay a dividend shortly after the 3rd of December next, any creditors whose claims are not received before the time above specified, will be excluded from such dividend.

Dated this 16th day of August 1866.

FRESHFIELDS & NEWMAN,
5, *Bank Buildings, London,*
Solicitors for the above-named Official Liquidators.

STACK, COLLIS & MIRFIELD,
Agents in Calcutta.

LOST.

Second halves of the following Currency Notes—intimation of loss given to the Currency Office, Allahabad:—

No. A15—20273, for Rupees 500.
„ A28—31307, for „ 1,000.

NILCOMUL MITTRA.

NOTIFICATION.

Whereas Mr. James John Fraser, late Officiating Inspector of Schools, Eastern Circle, Central Provinces, died in England intestate, all persons indebted to, or having any claims on his estate, are directed to submit the same to undersigned, within the period of six months from this date—applications after the expiry of this term will be rejected.

NAGPORE, *The 4th Sept.* 1866. } M. LOW, *Dy. Commr. and Dist. Magt.*

WANTED

For Calcutta Government Mathematical Instrument Department, 9, Park Street, superior Artificers qualified to repair finest description of Mathematical Instruments.

LOST OR STOLEN.

Undermentioned Government Promissory Note No. 35604 of 1856-57, for Rs. 1,000—renewal and payment of interest on which have been stopped at the Bank of Bengal. Apply to—

G. F. BEHRENDS,
Constituted Atty. for JOHN OGLE.

3, *Lyons Range.*

STOLEN.

Second halves of the following Currency Notes—intimation of loss given to the Currency Office, Allahabad:—

Nos. A18—09511 and 29576, for Rupees 10 each.

LUCKNOW, *The 5th September* 1866. } E. HODGES.

STOLEN.

A Government Promissory Note No. 11005 of 8154-55, of 4 per cent. loan, for Rs. 500.

KOYLASH CHUNDER BOSE.

WANTED TO RENT.

A two or three-storied building, suitable for a large Office; spacious out-offices required. Address, stating rent, &c., Superintendent of Government Printing, No. 6, Bankshall Street.

NOTICE.

A New Edition of the Map of DISTRICT NUDDEAH, shewing Village boundaries, Scale 1 Mile equal to 1 Inch, in 8 Sections, with a small Index, is now ready for issue.

Applications for the Maps *bonâ fide* on the Public Service, to be addressed to the Registrar, Surveyor General's Office, Calcutta.

For private use, on payment, the Map can be obtained from all Booksellers and the "School Book Society," Calcutta, at the following rates:—

		Rs.	A.	P.
Uncolored and Unmounted.	On *thick paper*, the Map complete in 8 Sections with Index...	8	0	0
	Or each Section separate ...	2	0	0
	On *thin paper*, the Map complete in 8 Sections with Index ...	6	0	0
	Or each Section separate ...	1	8	0

N. B.—Parties requiring the Map Colored and Mounted must pay extra for the same.

J. E. GASTRELL, *Lieut.-Col.,*
Offg. Deputy Surveyor General of India.

LOST.

Second halves of the following Currency Notes—intimation of loss given to the Currency Office, Allahabad:—

No. A13—80554,	Rupees	100
No. A26—02755,	„	20
No. A18—24538,	„	10
No. A18—25567,	„	10
	Rs.	140

T. A. WALSHE,
Merchant, Delhi.

Edited by the Secretary, Board of Revenue.

THE FIRST COMPLETE EDITION OF THE RULES OF THE REVENUE DEPARTMENT.

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ENGAGED IN

THE ADMINISTRATION

OF THE

REVENUE DEPARTMENT

IN THE

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CALCUTTA:
OFFICE OF SUPDT. OF GOVT. PRINTING,
Military Orphan Press.
1866.

GOVERNMENT OF INDIA.

RE-PRINTS

OF

Records in the Public Works Department.

No. 1.

PROGRESS REPORT OF FOREST ADMINISTRATION IN THE CENTRAL PROVINCES, 1863-64. By CAPTAIN G. F. PEARSON, 33rd M. N. I., Conservator of Forests, Central Provinces, accompanied by a Memorandum thereon by DR. D. BRANDIS, Inspector General of Forests. To which is appended a Report by DR. BRANDIS on his deputation to the Central Provinces in 1863-64. *Price Re.* 1.

No. 2.

PROGRESS REPORT OF FOREST ADMINISTRATION IN BRITISH BURMAH, 1863-64. BY H. LEEDS, ESQ., Officiating Conservator of Forests, British Burmah, with a Memorandum thereon by Dr. D. BRANDIS, Inspector General of Forests. To which are appended other papers and correspondence regarding Forests, and the system of working them in these parts. *Price Re.* 1.

No. 3.

REPORT UPON THE DEODAR FORESTS OF BUSSAHIR, to which are appended REGISTERS OF VALUATION FOREST SURVEYS IN BUSSAHIR AND THE DISTRICT OF JAONSAR BAWUR, WITH OTHER STATEMENTS RELATING TO THE GROWTH OF THE DEODAR TREE IN THE WESTERN HIMALAYA. Being the result of a joint examination of the Bussahir Forest BY D. BRANDIS, Ph. D., Inspector General of Forests to the Government of India, J. L. STEWART, M. D., Officiating Conservator, Punjab, and CAPTAIN E. WOOD, Officiating Conservator, Oudh. With a Map illustrating the situation of the Forests. *Price Re.* 1-8.

No. 4.

PAPERS RELATING TO RAILWAY COMMUNICATION BETWEEN BOMBAY AND THE NORTH-WESTERN PROVINCES. Extending over the years 1854-65. *Price Re.* 1-8.

(The collection of papers in this Report is not yet complete, it cannot therefore be issued at present.)

No. 5.

REPORT OF THE OPERATIONS ON LIGHTHOUSES during the season of 1864-65. By LIEUT.-COL. A. FRASER, R. E., Superintendent of Lighthouses. *Price Re.* 1-8.

No. 6.

THIRD ANNUAL REPORT ON THE MANAGEMENT AND CONSERVANCY OF THE OUDH FORESTS for the forest year ending September 30, 1864. BY CAPTAIN E. S. WOOD, Officiating Conservator, Oudh Forests. *Price Re.* 1.

No. 7.

PROGRESS REPORT OF FOREST ADMINISTRATION IN BRITISH BURMAH, 1864-65. BY H. LEEDS, ESQ., Officiating Conservator of Forests, British Burmah. *Price Re.* 1.

CALCUTTA:
OFFICE OF SUPDT. OF GOVT. PRINTING,
Military Orphan Press.
1866.

SALE OF WASTE LANDS IN THE PROVINCE OF OUDH.

Notice is hereby given that several plots of Waste Lands in the District of Gondah, as shewn in the accompanying list, will be sold by auction to the highest bidder, above the upset price of Rupees 2-8-0 per acre on the 1st December 1866, at the Office of the Deputy Commissioner of Gondah, should no objection be preferred such as to render it necessary to defer the sale, under the provisions of Act XXIII. of 1863.

The sale will be made in the manner and subject to the conditions prescribed by the Rules for the sale of Waste Lands in Oudh, and to the provisions of Act XXIII. of 1863.

Maps of the several grants can be seen at the Deputy Commissioner's Office.

A. G. GROTE,
Asstt. Commr., for *Dy. Commissioner.*

List of Jungle Grants available for sale in the District of Gondah in the Province of Oudh.

General No.	Pergunnah.	Name of Grant.	Number of Acres.	BOUNDARIES.
				Tehseel Turrufgunge.
1/7	Munkapoor ..	Chittownah Kote	3,104	Bounded on the north by mouzah Sujjway Nuddy; on the south by Mr. Glynn's grant; on the east by Munawur Nuddy, and on the west by Grant No. 8 (Sujjway Surokar).
2/8	Ditto .	Sujjway Surokar	2,071	Bounded on the north by mouzah Sujjway Nuddy; on the south by Mr. Glynn's grant; on the east by grant Chittownah Kote, and on the west by mouzah Gurrurhaie and grant Tuidooah.
3/9	Ditto ...	Tuidooah ..	1,027	Bounded on the north by mouzah Khuthireah hamlet of Hurdawah and Sujjway Nuddy; on the south by grant Gurrurhaie; east by Sujjway Nuddy and grant Sujjway Surokar, and on the west by mouzahs Bugdeiriah, Purunpoor, Dittooah, Sutteah, and RamroopBunkut, hamlets of mouzah Hurduwah.
4/10	Ditto ...	Kuttahur ..	525	Bounded on the north by mouzah Kuttahur and grant of Yakool Ally Khan; on the south by Sujjway Nuddy; east by Munawur Nuddy, and on the west by mouzah Kuttahur.
5/11	Ditto ...	Chouboypoor	1,582	Bounded on the north by Biswee Nuddy; on the south by mouzahs Muddenpoor, Bhyrawa, Chouboypoor, Metilika and Khoorasow; on the east by mouzahs Umgheity, Soreewah, and Khurka, and on the west by mouzah Duttowlee.
6/12	Boorapair .	Sujjunniah ...	814	Bounded on the north by mouzahs Mulleepoor, Dowlutpoor, Saree, and Chandpoor; on the south by Sawaie Nullah, grant of Hurruttun Sing, and mouzah Rehartuppeekee; on the east by mouzah Jessunpoor, and on the west by Sewai Nullah, mouzahs Muddaipoor and Hutteahghur.
7/13	Ditto ..	Suggragurh ...	1,444	Bounded on the north by mouzahs Mahomedpoor, grant Sawukpoor and Chunderdass; on the south by mouzahs Nuthoonpoor, Phorunda, Hussunghur, and Owradhee; on the east by mouzah Sootheah, and on the west by mouzah Hislampoor.
8/14	Sadoollanugger..	Bundrabee ..	2,652	Bounded on the north by Koonay Nuddy; on the south by mouzahs Ranepoor, Achulpoor, Tendooah, Bhaupoor, Ghoorapoor, Bhirwah, and Sokeah Tahir; on the east by mouzah Peetjeah, and on the west by mouzahs Lokeabhur and Manugarah.
9/15	Utroulah	Etaie ...	951	Bounded on the north by mouzah Oorlaiha and grant of Baboo Show Nath Sing and Thakoor Shere Bahadoor Sing; on the south by mouzah Ailrah; on the east by grant No. 31 (Ramghur), and mouzah Ailrah, and on the west by mouzah Pukkree and Grant No. 26 (Pukkree).
10/16	Ditto .	Ramghur .	1,154	Bounded on the north by grants of Baboo Shew Nath Sing and Shere Bahadoor Sing; on the south by Kooany Nuddy; on the east by Kurda Nullah, and Grant No. 32, and on the west by mouzah Aylrah and Grant No. 30.

DY. COMMR.'S OFFICE,
GONDAH,
The 28th August 1866.

A. G. GROTE,
Asstt. Commr., for *Dy. Commr.*

Printed and Published for the Government of India by J. L. KINGHAM, *at the Government Press, Simla.*

No. 37.

SUPPLEMENT TO

The Gazette of India.

SIMLA, SATURDAY, OCTOBER 6, 1866.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees four annas if sent by Post.*

No Official Orders or Notifications, the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

Government of India.

HOME DEPARTMENT.

New Orleans Cotton raised from Seed sown at Myanoung in British Burmah.

From Captain C. P. HILDEBRAND, Officiating Secretary to the Chief Commissioner of British Burmah, to the Secretary to the Government of India, Home Department, Simla,—(No. 217, dated Rangoon, the 9th July 1866).

I HAVE the honor, by direction of the Chief Commissioner, to forward, for the purpose of being laid before His Excellency the Governor General in Council, copy of letter No. 20A., dated 11th ultimo, from Mr. Leeds, Officiating Conservator of Forests in British Burmah, to the address of the Secretary to the Chief Commissioner in the Public Works Department, forwarding, for submission to Government, two samples of New Orleans Cotton raised from seed sown at Myanoung in 1865, also copy of letter No. 26A., dated 26th June, from Mr. Leeds to Captain Hildebrand on the same subject.

2. The seed in question is New Orleans seed of two sorts, *viz.*:—1*st.*, Myodwing New Orleans, from seeds first imported into the Province in 1860, and sown from 1860 to 1863 at Myodwing in the Myanoung District; 2*nd.*, Lucknow New Orleans, from seeds received from Dr. Brandis in 1863.

3. The seed from which the present samples were raised was sown in August 1865 in the usual manner, that is, in ridges five feet apart,—a few seeds being placed at intervals of two feet and slightly covered with mould. It was gathered in the month of February following. The nature of the soil in which it was sown is not given.

4. The out-turn was as follows:—

One-third of an acre sown with Myodwing New Orleans seed yielded 59½lbs. of cotton with seed, being at the rate of 59½lbs. of cleaned cotton per acre,—the seed being in the proportion of 2lbs of seed to 1lb of cotton.

One-third of an acre sown with Lucknow New Orleans seed yielded just half the above.

5. Mr. Leeds remarks, however, that the report on the out-turn is untrustworthy, as there was no European Officer available for closely examining the details of packing and cleaning. The Chief Commissioner would remark that, supposing the out-turn to be correctly or nearly correctly given, the result, with regard to the Myodwing New Orleans, may be considered so far satisfactory that it shows that the plant is not deteriorating.

In the Chief Commissioner's Report on Agriculture in British Burmah for 1863-64, it is stated that in the township of Tharrawaddee, in the Myanoung District, one acre and three quarters of land were sown with acclimatized New Orleans seed, the same kind, it is believed, as that sown in August 1865, the yield being 95lbs. of clean cotton, being at the rate of 64lbs. of clean cotton per acre, that is, 5lbs. per acre less than the yield in 1865. The result of the experiment with the Lucknow New Orleans cannot, if true, be considered at all satisfactory with an out-turn of only 28lbs. per acre.

The samples of Cotton forwarded with Mr. Leeds' letter are despatched under wax cloth; and the Chief Commissioner would be obliged if His Excellency in Council would direct that they be submitted to the Manchester Cotton Supply Association, with the request that they will report thereon. The Chief Commissioner also requests that he may be furnished with a copy of the Report.

From H. LEEDS, ESQ., Officiating Conservator of Forests, British Burmah, to the Secretary to the Chief Commissioner of British Burmah, Public Works Department,—(No. 20A., dated Rangoon, the 11th June 1866).

I HAVE the honor to forward, for submission to Government, two samples of New Orleans Cotton raised from seed sown at Myanoung in 1865.

The Myodwing New Orleans is from seed first imported in 1860, and sown in 1860 up to 1863 at Myodwing. The Lucknow New Orleans is from seed received from Dr. Brandis in November 1863.

I would state that the seed was sown later than has usually been the case (that is, late in August instead of in July), and that the cotton was picked in February and March. Four bags of seed have been received from Myanoung, which will be distributed to cotton growers in the Rangoon and Tharrawaddee Districts.

Memorandum No. 182-22F., dated the 11th June 1866.

Sent separately.

FORWARDED, in original, with the two samples* alluded to, to the Officiating Secretary to Chief Commissioner, Captain Hildebrand, for disposal in the Home Department.

(Signed) W. S. OLIPHANT, *Major, R. E.,*
Offg. Secy. to Chief Commr., British Burmah, P. W. D.

From H. LEEDS, ESQ., Officiating Conservator of Forests, British Burmah, to the Secretary to the Chief Commissioner of British Burmah,—No. 26A., dated Rangoon, the 26th June 1866.)

I HAVE the honor to observe, in reply to your Office letter No. 1391, that the samples of New Orleans Cotton submitted for examination were not forwarded in order to show that Cotton will grow in Pegu, but in order that they might be sent for examination to determine whether the staple showed degeneration, or otherwise, in the seed since its first importation and sowing, of which I gave the dates.

The seed was sown in the usual manner* which has been so often described that it seems superfluous to detail it again. I regret that I cannot give you precise information of the produce per acre, as, owing to the departure of one Officer on sick leave, and the death of another, there was no European Officer at Myanoung closely to examine the details of picking and cleaning, which operations were carried on by a Baboo in charge of the Office.

* On ridges five feet apart,—a few seeds being placed at intervals of two feet and lightly covered with mould.

The Report received, however, gives the following figures:—

One-third of an acre sown with Myodwing New Orleans seed gave 59½lbs. of cotton with seed, or 59½lbs. of cotton without seed, per acre—seed being in proportion of 2lbs. to 1lb of cotton.

One-third acre sown with Lucknow New Orleans seed gave 28lbs. of cotton with seed, or 28lbs. of cotton without seed, per acre. This is a very small out-turn indeed, not above half what it should be; but, as before stated, the return is not reliable.

The only reliable experiment we have yet had was one carried on in Cantonments, where the progress of the work could be watched without interruption, and this has determined me this year again to sow cotton in Cantonments.

I hope next season to be able to give a detailed Report of the Cotton sown, such as will supply all the information required.

From the Honorary Agents to the Manchester Cotton Supply Association, to the Under-Secretary to the Government of India, Home Department, Simla,—(dated Calcutta, the 11th August 1866).

WE have the honor to acknowledge receipt of your letter dated 3rd instant, accompanying copy of a communication from the Officiating Secretary to the Chief Commissioner of British Burmah, with enclosures, and also the specimens of Cotton referred to in above, and upon which we now have the pleasure to report, as requested, for the information of His Excellency the Governor General in Council.

No. 2.—The produce of Myodwing New Orleans seed grown at Myodwing has much degenerated from original stock; staple rather irregular in length, color not at all good, and badly cleaned Home value at 9 per lb.

No. 4.—Produce of Lucknow New Orleans seed grown at Myodwing is also much degenerated, but of rather better staple and color than above. Home value about 10 per lb., not equal to ordinary New Orleans, for which our last quotation is 11½ on the 6th July. We return the specimens of Cotton as requested, retaining a small portion for transmission to the Cotton Supply Association.

Printed and Published for the Government of India by J. L. KINGHAM, *at the Government Press, Simla.*

The Gazette of India

EXTRAORDINARY.

Published by Authority.

SIMLA, WEDNESDAY, OCTOBER 10, 1866,

No. 5288.

HOME DEPARTMENT, SIMLA.

ECCLESIASTICAL.

The 10th October 1866.

THE Right Hon'ble the Governor General in Council has learned with the deepest sorrow the death, through a calamitous accident, of the Right Reverend George Edward Lynch Cotton, Lord Bishop of Calcutta.

There is scarcely a member of the entire Christian community throughout India who will not feel the premature loss of this Prelate as a personal affliction. It has rarely been given to any body of Christians in any country to witness such depth of learning and variety of accomplishment, combined with piety so earnest and energy so untiring. His Excellency in Council does not hesitate to add the expression of his belief that large numbers, even among those of Her Majesty's subjects in India who did not share in the faith of the Bishop of Calcutta, had learned to appreciate his great knowledge, his sincerity and his charity, and will join in lamenting his death.

By Command of the Right Hon'ble the Governor General in Council,

E. C. BAYLEY,
Secretary to the Govt. of India.

Printed and Published for the Government of India by J. L. KINGHAM, *at the Government Press, Simla.*

No. 41.

The Gazette of India.

Published by Authority.

SIMLA, SATURDAY, OCTOBER 13, 1866.

HOME DEPARTMENT.

LEGISLATIVE.

Simla, the 25th September 1866.

The following Bill and Statement of Objects and Reasons accompanying it, are published for general information by order of His Excellency the Governor General, under the 19th of the Rules for the conduct of Business at Meetings of the Council of the Governor General of India for the purposes of making Laws and Regulations :—

A Bill to extend the Indian Penal Code to the Straits Settlement.

Preamble

Whereas it is expedient to extend the provisions of the Indian Penal Code to the Settlement of Prince of Wales' Island, Singapore and Malacca; It is hereby enacted as follows :—

Penal Code to extend to Straits Settlement from 1st January 1867

1. From and after the first day of January 1867, the provisions of the Indian Penal Code shall, save as hereinafter mentioned, apply to and take effect throughout the said Settlement; and in construing the said Code, two Rupees shall be deemed equivalent to one Dollar.

In Straits Settlement Sections 224 and 225 to be construed as if "offence" included anything made punishable by a special or local law.

2. In applying the said provisions to the said Settlement, Sections 224 and 225 of the said Code shall be construed as if the word offence denoted anything made punishable by the said Code, or by any special or local law as therein defined.

This Act to be read with the Penal Code

3. This Act shall be read with and taken as part of the said Indian Penal Code.

STATEMENT OF OBJECTS AND REASONS.

This Bill, which has been prepared at the request of the Local Government, proposes to extend, with one slight change, the Indian Penal Code to the Straits Settlement.

The change referred to consists in providing that Sections 224 and 225 of the Code shall be construed as if the definition of the word "offence" given in Section 40 of the Code, included offences punishable only by some special or local law. This will preclude questions, such as have arisen in the Presidencies of Bengal and Madras, as to whether a person escaping from lawful custody can be imprisoned or fined under Section 224 of the Code when the offence for which he is detained is not expressly made punishable under its provisions.

SIMLA,
The 9th July 1866.

H. S. MAINE.

WHITLEY STOKES,
Asstt. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The 2nd October 1866.

The following Bill and Statement of Objects and Reasons accompanying it, are published for general information by order of His Excellency the Governor General, under the 19th of the Rules for the conduct of Business at Meetings of the Council of the Governor General of India for the purposes of making Laws and Regulations :—

ARRANGEMENT OF SECTIONS.

PART I.—*Preliminary.*

1. Short Title.
   Commencement of Act.
2. Repeal of Acts.
3. Interpretation Clause.
4. Nothing in Act to apply to British and Foreign Navies.

PART II.—*Of the Registry of Ships*

5. Ships to be registered.
   Certificate of Registry.
6. Ports of Registry.
7. Registrars.
8. Book of Registry.

9. Declaration before Registering Officer.
10. Further declaration in absence of part owner.
11. Measurement to be made of ships before registry.
12. Rules of measurement.
13. Measurement of steam-vessels.
14. Alterations in steam-vessels requiring new registry.
15. Measurement of laden vessels.
16. Registered tonnage to be marked on main beam.
17. Registered tonnage to be repeated in every subsequent Register.
18. Fraudulent use of Certificate of Registry.
19. Change of Master.
20. Name of Ship.
21. Certificate of Building.
22. Loss of Certificate of Registry.
23. Detention of Certificate.
24. Registration *de novo*.
25. Testimony of Registering Officers.
26. False declaration. Falsifying documents.
27. Ships of Native States.
28. Issue of Passes to Ships of Native States.
29. Coasting ships may be registered and obtain Passes.
30. Fee for Certificate of Registry of such coasting ships.
31. Fees to be fixed by Governor General in Council.
32. Ships to belong to ports at which they shall be registered.
33. Registers and Certificates of Registry admissible in all Courts without proof or signature.
34. Register and Certificates of Registry to be *primâ facie* proof of their contents.

PART III.—*Of Official Logs.*

35. Official Logs to be kept in form sanctioned by Local Government.
36. Entries to be made in due time.
37. Entries required in Official Log—
(1)—Convictions.
(2)—Offences.
(3)—Punishments.
(4)—Conduct, &c., of crew.
(5)—Illness and injuries.
(6)—Deaths on board.
(7)—Births on board.
(8)—Marriages on board.
(9)—Quitting ship.
(10)—Wages of men entering navy.
(11)—Wages of deceased seamen.
(12)—Sale of deceased men's effects.
(13)—Collisions.
38. Entries how to be signed.
39. Penalties in respect of Official Logs.
40. Entries in Official Logs to be received in evidence.
41. Official Logs to be delivered to Shipping Master on ship's arrival at port of destination in India.
42. Official Logs to be transmitted to Shipping Master in case of transfer of ship and in case of loss.

PART IV.—*Of Enquiries into Wrecks.*

43. Enquiry may be instituted in cases of wreck and casualty.
44. Investigation.
45. Report.
46. In case of wreck of foreign ship, Consul to be deemed owner's agent.

PART V.—*Of Shipping Offices.*

47. Establishment of Shipping Offices.
48. Appointment, removal and control of Shipping Masters and deputies.
49. Business of Shipping Masters.
50. Fees to be paid upon engagements and discharges.
51. Fees by whom to be paid.
Proviso as to excess.
52. Penalty on Shipping Master taking other remuneration.
53. Business of Shipping Office may be transacted at Custom House or elsewhere.

PART VI.—*Of the Examination and Certificates of Masters and Mates.*

54. Examinations.
55. Local Government to appoint examiners.
Rules for conduct of examination.
Fees.
56. Certificates of competency.
57. Certificates of service.
58. No foreign-going vessel and no Home-trade ship to go to Sea without certificated Master, &c.
59. Certificates for foreign-going ships available for Home-trade ships.
60. Record of grants, cancellations, &c., of Certificates of competency of service.
61. Loss of such Certificates.
62. Sections 54—61 not to apply to ships registered under this Act under certain circumstances.

PART VII.—*Of the Engagement of Seamen.*

63. Licenses to procure seamen.
64. Penalties—
(1)—For supplying seamen without license.
(2)—For employing unlicensed persons.
(3)—For receiving seamen illegally supplied.
65. Penalty for receiving remuneration from seamen for shipping them.
66. Agreements with seamen and others.
67. Contracts with lascars binding them to go to Australia, and thence to the United Kingdom.
68. Contracts with lascars binding them to go to the United Kingdom, and thence back to India.
69. For foreign-going ships such agreements, except in special cases, to be made before and attested by a Shipping Master.
70. Engagements between Masters of foreign ships and lascars.
71. Fees payable in respect of such engagements.
72. Penalty for Master of foreign ship engaging lascars otherwise than is allowed by Sections 69 and 70.
Shipping Master may board foreign ships suspected of unlawfully shipping lascars.
73. Foreign-going ships making short voyages may have running agreements.

74. Engagement and discharge of seamen in the meantime.
75. Fees to be paid on such running agreements.
76. In Home-trade ships agreement to be entered into before Shipping Master or other witness.
77. Special agreements for Home-trade ships belonging to same owner.
78. Penalty for shipping seamen without agreement duly executed.
79. Changes in crew to be reported.
80. To prevent infraction of Act, Shipping Master may board vessel and muster seamen.
81. Production of agreements and certificates for foreign-going ships.
82. Production of agreement and certificates for Home-trade ships.
83. Alterations to be void, unless attested to have been made with consent of all parties.
84. Copy of agreement to be made accessible to crew.
85. Seamen discharged before voyage to have compensation.
86. Relief of destitute lascars.

PART VIII.—*Of Seamen's Wages.*

(a)—Regulation of Advances.

87. Regulation of advances and advance notes.
88. Advances improperly made not to be a discharge of wages.

(b)—Allotment of Wages.

89. Stipulations for allotment to be inserted in the agreement. Allotment notes.
90. Owner, &c., to pay to Shipping Master the sums allotted. Suits on allotment notes. Evidence.
91. Receipts and payments by Shipping Master on account of allotment notes.

(c)—Discharge and payment of Wages.

92. Discharge from foreign-going ships to be made before Shipping Master.
93. Master to deliver account of wages.
94. On discharge, Master to give seamen certificate of discharge, and return certificates of competency or service to Mates.
95. Shipping Master may decide questions which parties refer to him.
Enforcement of award.
96. Masters and others to produce ship's papers to Shipping Masters, and give evidence.
97. Rules as to settlement of wages.

(d)—Legal rights to Wages.

98. Right to wages and provisions when to begin.
99. Seamen not to give up certain rights.
Salvage services.
100. Wages not to be dependant on the earning of freight.
101. In case of death such wages to be paid as after-mentioned.
102. Right to wages in case of termination of service by wreck or illness.
103. Wages not to accrue during refusal to work or imprisonment.
104. Period within which wages are to be paid.
105. Wages payable in foreign coin to be recoverable at par in the current coin of India.

(e)—Mode of recovering Wages.

106. Seaman may sue summarily before any Magistrate for wages not exceeding Rs. 500. Order of Magistrate to be final.
107. Levy of wages by distress.
108. No suit for wages under Rupees 500 to be instituted in Admiralty Court, &c., except in certain cases.
109. Master to have same remedies for wages as seamen.

PART IX.—*Of the Wages and Effects of deceased Seamen.*

110. Master to take charge of effects of deceased seamen.
111. Effects and wages to be paid to Shipping Master with full accounts.
112. Penalties for not taking charge of or accounting for such monies and effects.
113. Wages and property of deceased seamen may be paid without probate.
114. Disposal of wages and effects of deceased seamen, not claimed within one year.
Provision where subsequent claim made thereto.

PART X.—*Of the Provisions, Health and Accommodation of Seamen.*

115. Survey of provisions and water on complaint made.
116. Forfeiture for frivolous complaint.
117. Allowance for short or bad provisions.
118. Medicines, &c., to be provided and kept on board certain ships.
119. Masters to keep weights and measures on board.
120. Expense of medical attendance and subsistence in case of illness, how to be defrayed.
121. Place of shelter to be appropriated.
122. Shipping Master may board any ship and inspect provisions, &c., Procedure if provisions, &c., are found to be of bad quality.

PART XI.—*Of Complaints by Seamen.*

123. Seamen to be allowed to go on shore to make complaints to a Magistrate.

PART XII.—*Of the Protection of Seamen from imposition.*

124. Sale of and charge upon wages to be invalid.
125. No debt exceeding Rupees 3 to be recoverable till end of voyage.
126. Penalty for overcharges by lodging-house keepers.
127. Penalty for detaining seamen's effects.
128. Persons not to go on board before final arrival of ship.
129. Penalty for solicitations by lodging-house keepers.

PART XIII.—*Of Discipline.*

130. Penalty for misconduct endangering ship, or life, or limb.
131. Admiralty Court in India may, in certain cases, remove Master and appoint a new Master.

132. Court authorized to make enquiries into charges against Masters, Mates and Engineers and to report to Local Government.
133. Procedure of Court.
134. Local Government may direct investigation in cases of incompetency or misconduct.
135. Powers of Court, &c., in making enquiries.
136. Local Government may cancel or suspend certificates in certain cases.
137. Master, Mate, or Engineer to deliver up his certificate. Penalty for not delivering it.
138. Saving of powers vested in certain Admiralty Courts. Same powers may be exercised by Chief Criminal Court in any Indian port, and where there is no Admiralty Court.
139. Offences of seamen and apprentices, and their punishments—
(1)—Desertion.
(2)—Neglecting or refusing to join or to go to sea. Absence within twenty-four hours before sailing, and absence without leave.
(3)—Quitting without leave before ship is secured.
(4)—Act of disobedience.
(5)—Continued disobedience.
(6)—Assault on Officers.
(7)—Combining to disobey.
(8)—Wilful damage and embezzlement.
(9)—Act of smuggling, causing loss to owner.
140. Entry of offences to be made in Official Log, and to be read over, or a copy given to the offender: his reply, if any, to be also entered.
141. Seamen whom Masters of ships are compelled to convey, and persons going to sea in ships without leave, to be subject to penalties for breach of discipline.
142. Master or owner may apprehend deserters without warrant.
143. Deserters may be sent on board in lieu of being imprisoned.
144. Seamen imprisoned for desertion, or breach of discipline, may be sent on board before termination of sentence.
145. Entries and certificates of desertion abroad to be copied, sent home, and admitted in evidence.
146. Facilities for proving desertion so far as concerns forfeiture of wages.
147. Costs of procuring imprisonment may, to the extent of Rs. 30, be deducted from wages.
148. Ascertainment of amount of forfeiture when seamen contract for the voyage.
149. Application of forfeitures.
150. Questions of forfeitures may be decided in suits for wages.
151. Penalty for false statement as to last ship or name.
152. Fines to be deducted from wages and paid to Shipping Master.
153. Penalty for enticing to desert and harbouring deserters.
154. Penalty for obtaining passage surreptitiously.
155. On change of Masters documents hereby required, to be handed over to successor.

PART XIV.—*Of Passengers by Sea.*

Chapter 1—Of Native passengers between India and the Red Sea or Persian Gulf.

156. What shall be deemed a Native passenger ship within the meaning of Sections 157—174 of this Act.
157. Native passenger ship to sail only from ports appointed by Local Government.
158. Native passenger ships not to sail without obtaining certificate.
159. Penalty for breach of provisions in Sections 157, 158.
160. Appointment of Officers to act under Section 157.
161. Master to give notice of day of sailing, &c.
162. Power to enter and inspect ship.
163. Ship may be surveyed.
164. Officer to be satisfied before giving certificate—
(1)—That the ship is sea-worthy.
(2)—That the space between decks for passengers is sufficient.
(3)—That the space on the upper deck is sufficient.
(4)—That there is a due supply of provisions.
165. Number of passengers.
166. List of passengers.
167. Ship taking additional passengers, and touching at intermediate port.
168. Penalty for fraudulent alteration in ship after certificate has been obtained.
169. Information to be transmitted to ports of embarkation.
170. Report of Consul, &c., to be admissible in evidence.
171. Length of voyage to be fixed by proclamation.
172. Quantity of provisions and water to be shipped.
173. Contract by passengers for supply of their own provisions.
174. Penalty on ships bringing excessive number of passengers from Red Sea or Persian Gulf to Indian ports.
175. Nothing in Sections 156—174 to apply to ships under contract with European Governments, or to steamers conveying public Mails.

Chapter 2—Of Native passengers in the Bay of Bengal.

176. Number of Native passengers to be carried in unlicensed vessels.
177. Number of Native passengers to be carried in licensed vessels.
178. Penalty on Master of unlicensed vessel.
179. Penalty on Master of licensed vessel.
180. Government to appoint ports for shipment of passengers when the number to be carried is greater than one to every four tons.
181. Grant of licenses to vessels.
182. Certain licensed passenger vessels to carry provisions according to appointed scale.
183. Penalty for omitting to supply passengers with prescribed allowance of food and water.

184. Supply of provisions on board passenger-ships plying to and from Ceylon.
185. List of passengers to be signed by master. Additional passengers.
186. Penalty for bringing Native passengers into any port on the eastern coast of the Bay of Bengal from any foreign European settlement in excess of authorized proportion.
187. Penalty for impeding entry or inspection.

188. Penalty for landing Native passengers at places other than that at which they have contracted to land.
189. Native passenger's right of suit preserved.

Chapter 8—Of forwarding certain Passengers taken off a Ship or picked up at Sea.

190. Sections 191, 192, 193 to apply to passengers on certain voyages.
191. Governors or Consuls may pay expenses of passengers taken off a passenger ship.
192. Governors or Consuls may send on passengers if Master of ship fail to do so.
193. Expenses incurred under Sections 190, 192, to be a Crown debt.
Passengers forwarded under Section 192, not to be entitled to compensation.
194. Certificates to be furnished to coasting steam-vessels intending to carry passengers.

Chapter 4—Of Coasting Passenger Steamers.

195. Grant and contents of such certificates.
196. Copy of certificate to be placed in conspicuous part of steamer.
197. Penalty for exceeding number specified in certificate.
198. Penalty for proceeding without certificate.
199. Grant of certificate to be subject to control of Government.

PART XV.—*Of Procedure.*

200. Depositions to be received in evidence when witnesses cannot be produced.
201. Adjudication of offences and recovery of penalties.
202. Wages, penalties, &c., payable by Master or owner, may be levied by distress of ship.
203. Jurisdiction.
204. By whom proceedings for penalties under Sections 188, 193 and 194, are to be instituted.
205. Application of penalties.

First Schedule. (Acts repealed by Sec. 2.)

Second Schedule:—

Table A. (Fees to be charged for matters transacted at Shipping Offices.)

Table B. (Sums to be deducted from wages by way of partial repayment of fees in Table A.)

Third Schedule. (Form required by Sec. 185.)

A Bill to consolidate and amend the law relating to Merchant Ships, Seamen and Passengers by Sea.

Preamble.

Whereas it is expedient to consolidate and amend the law relating to Merchant Ships, Seamen and Passengers by Sea; It is hereby enacted as follows:—

PART I.—*Preliminary.*

Short Title. Commencement of Act.

1. This Act shall be called "The Indian Shipping Act, 1867," and shall come into operation on the 1st of March 1867.

Repeal of Acts.

2. The Acts specified in the first Schedule hereto are hereby repealed, except as to the repeal of Acts and parts of Acts effected thereby, and except as to acts done, penalties incurred, and agreements made before the passing of this Act. All things duly done under any of the Acts hereby repealed, shall be considered as having been done under this Act.

Interpretation Clause.

3. In this Act, unless there be something repugnant in the subject or context—

"British India" means the territories which are or may become vested in Her Majesty or Her Successors by the Statute 21 and 22 Vic., Cap 106, entitled "An Act for the better Government of India;"

"Magistrate" includes a Magistrate of Police appointed under Act No. XIII of 1856 *(for regulating the Police of the Towns of Calcutta, Madras and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore and Malacca)*, a Joint Magistrate and any person lawfully exercising the powers of a Magistrate and a Justice of the Peace, and, at the Port of Aden, the Political Resident and his Assistant;

"Local Government." "Local Government" means the person or persons for the time being immediately administering the executive Government of that portion of British India where the port or place in question is situate;

"Ship" includes every description of vessel used in navigation not propelled by oars;

"Home-trade ship." "Home-trade ship" includes every ship employed in trading between any ports of the said territories, or between any port of the said territories and any port or place on the Continent of India, or in the Island of Ceylon;

"Foreign-going ship." "Foreign-going ship" includes every ship employed in trading between any port of the said territories and any port or place not in the said territories, nor on the Continent of India, nor in the Island of Ceylon;

"Master." "Master" includes every person (except a pilot) having command or charge of any ship;

"Seaman." "Seaman" includes every person (except masters, pilots, and apprentices) employed or engaged in any capacity on board any ship;

"Section" and "Part" respectively mean Section and Part of this Act.

Words importing the singular number include the plural: words importing the plural number include the singular: and, words importing the masculine gender, include females;

Number

Gender.

"Person" includes any Company or Association or body of persons whether incorporated or not.

"Person."

4. Nothing herein contained shall apply to ships belonging to or in the service of Her Majesty or belonging to any foreign Government; and nothing in Parts III to XIII, both inclusive, except as otherwise hereinafter provided, shall extend to any ship belonging to the subjects of any foreign Government.

Nothing in Act to apply to British and foreign Navies.

PART II.—*Of the Registry of Ships.*

5. No ship shall be deemed a British ship under the proclamation issued by the Governor General of India in Council pursuant to the Statute 3rd and 4th Vic., Cap. 56, entitled "An Act to regulate the trade of ships built and trading within the limits of the East India Company's Charter," unless the person or persons claiming property therein shall have caused the same to have been registered at some one of the ports hereinafter mentioned in British India, and shall have obtained a certificate of such registry from the person authorised to make such registry, and grant such certificate as hereinafter directed. Such certificate shall be in the following form:—

Ships to be Registered.

Certificate of Registry.

"This is to certify, that in pursuance of "The Indian Shipping Act, 1867" *(here insert the name or names, and occupation and residence, of subscribing owner or owners)* having made and subscribed the declaration required by the said Act, and having declared that he (*or* they) together with *(names, occupations and residence of non-subscribing owners)*, is (*or* are) sole owner (*or* owners, in the proportions specified on the back hereof), of the ship called the *(ship's name)*, of *(place at which the ship shall be registered)*, which is of the burthen of *(number of tons)*, and whereof *(master's name)* is master; and that the said ship was *(when and where built)*, and *(name and employment of Surveying Officer)* having certified to us that the said ship has *(number)* decks and *(number)* masts, that her *(here insert the measurement as ascertained by the rules hereinafter mentioned)*, that she is (*how rigged*) rigged with a (*standing or running*) bowsprit, is (*description of stern*) sterned, (*carvel or clincher*) built, has (*whether any or no*) gallery, and (*kind of head, if any*) head; and the said subscribing owner *or* owners having consented and agreed to the above description, the said ship called the (*name*) has been duly registered at the port of (*name of port*), certified under our hands at the Custom House, in the said port of (*name of port*), this (*date*) day of (*name of month*) in the year (*words at length*).

(Signed) ————————

Collector or Registrar of Shipping.

And on the back of such Certificate of Registry there shall be an account of the parts or shares held by each of the owners (where there are more owners than one) mentioned and described in such certificate, in the form and manner following:—

Names of several owners within mentioned.	Number of shares held by each owner.
Name	... Thirty-two.
Name	... Sixteen.
Name	... Eight
	&c. &c."

(Signed) ————————

Collector.

6. The ports at which registration shall be made, shall be the ports of Calcutta, Madras, Bombay, and such other places subordinate to the Local Governments of British India, as such Governments respectively may, from time to time, declare to be registering ports under this Act: Provided that ships built at any place other than any of such ports, shall be allowed to make their first voyage to any of such ports, being the ports at which it is intended they shall be registered under a certificate to be granted by the principal British Officer at the place where the ship is built, or if there be no British Officer in authority there, then by three merchants of such place. Such certificate shall contain all the particulars with regard to the ownership and description of the ships contained in a Certificate of Registry, and shall specify the ports at which it is intended that they shall respectively be registered, and shall have all the effect of a Certificate of Registry under this Act, during the first voyage from the place of building to the ports at which the ships respectively shall be afterwards registered: Provided that such ships so proceeding on their first voyage as aforesaid, shall be deemed British ships only whilst duly prosecuting such first voyage for the purpose of registry, and if they be not registered within a reasonable time after their arrival at the port of registry, the owner or master of such ship, shall be liable, on information in any Court in British India by the Advocates General of the respective Presidencies, to a penalty not exceeding five thousand Rupees.

Ports of Registry.

7. The persons authorized to make such registry, and to grant such certificates as aforesaid, shall be the collector of duties at any port in the said territories, and such other or different persons as the Local Government may, from time to time, appoint in that behalf.

Registrars.

8. At every port where registry shall be made in pursuance of this Act, a book shall be kept by the Registering Officer in which all the particulars contained in the form of the Certificate of the Registry hereinbefore directed to be used, shall be duly entered. Every registry shall be numbered in progression, beginning such progressive numeration at the commencement of each year: And such Registering Officer shall forthwith, or within one month at the furthest, send to the Local Government to which he is subordinate a true copy, together with the number of every certificate which shall be by him so granted.

Book of Registry.

9. No registry shall henceforth be made or certificate be granted, until the following declaration be made or subscribed before the Registering Officer, by the owner or major part of the owners of the ship required to be registered:—

Declaration.

I, *A B*, of *(place of residence and occupation)*, do truly declare that the ship *(name)* of *(port or place)* whereof *(master's name)* is at present master, being *(kind of build, burthen, &c., as described in the certificate of the Surveying Officer)*, was *(when and where)* built, and that I the said *(A B)* and the other owners *(names and occupations, if any, and where they respectively reside)* am (*or* are) sole owner (*or* owners) of the said ship, and that no other person or persons whatever hath or have any right, title, interest, share or property therein or thereto; and that I the said *(A B)* and the said other owners (if any) am (*or* are) truly and *bonâ fide* a subject (*or* subjects) of Her Majesty for whom the Governor General of India in Council has power to legislate, and that no person not being subject as aforesaid, directly or indirectly, hath any share or part interest in the said ship.

Provided that if the Registering Officer shall see occasion to doubt the truth of any of the facts contained in the above declaration, he shall not deem such declaration to be conclusive, but may refuse the registry or certificate; and his discretion exercised in this behalf shall be subject only to an appeal to the Local Government to which he is subordinate.

10. In case the required number of joint owners of any ship shall not personally attend to make and subscribe the declaration hereinbefore directed to be made and subscribed, then and in such case such owner as shall personally attend and make and subscribe the declaration aforesaid, shall further declare that the part owner or part owners of such ship then absent, is or are not resident within twenty miles of such port or place, and hath or have not, to the best of his knowledge or belief, wilfully absented himself in order to avoid the making the declaration hereinbefore directed to be made and subscribed, or is prevented by illness from attending to make and subscribe the said declaration.

Further declaration where requisite number of joint owners do not attend.

11. Previous to the registering or granting of any Certificate of Registry as aforesaid, some person appointed by the Local Government, taking to his assistance, if he shall judge it necessary, some person skilled in the building and admeasurement of ships, shall go on board of every such ship that is to be registered, and shall strictly and accurately examine and admeasure every such ship as to all and every particular contained in the form of the certificate hereinbefore directed, in the presence of the master, or of any other person who shall be appointed for that purpose on the part of the owner, or in his absence, by the said master, and shall deliver a true and just account in writing of all such particulars of the build, description and admeasurement of every such ship as are specified in the form of the certificate above recited to the Officer authorized to make such registry and grant such Certificate of Registry as aforesaid. The said master, or other person attending on the part of the owner, is hereby required to sign his name also to the certificate of such Surveying or Examining Officer, in testimony of the truth thereof: provided such master or other person shall consent and agree to the several particulars set forth and described therein.

Measurement to be made.

12. From and after the commencement of this Act, the tonnage of every ship required by law to be registered, shall, previous to her being registered, be measured and ascertained while her hold is clear, and according to the following rule (that is to say), divide the length of the upper deck between the afterpart of the stem and the forepart of the stern-post, into six equal parts. Depths: at the foremost, the middle, and the aftermost of those points of division, measure in feet and decimal parts of a foot the depths from the underside of the upper deck to the ceiling at the limber strake. In the case of a break in the upper deck, the depths are to be measured from a line stretched in a continuation of the deck. Breadths: divide each of those three depths into five equal parts, and measure the inside breadths at the following points, *videlicet*, at one-fifth and at four-fifths from the upper deck of the foremost and aftermost depths, and at two-fifths and four-fifths from the upper deck of the midship depth. Length: at half the midship depth measure the length of the vessel from the afterpart of the stem to the forepart of the sternpost, then to twice the midship depth add the foremost and the aftermost depths for the sum of the depths; add together the upper and lower breadths at the foremost division, three times the upper breadth and the lower breadth at the midship division, and the upper and twice the lower breadth at the after division, for the sum of the breadths; then multiply the sum of the depths by the sum of the breadths, and this product by the length, and divide the final product by three thousand five hundred, which will give the number of tons for register. If the vessel have a poop or half deck, or a break in the upper deck, measure the inside mean length, breadth, and height of such part thereof as may be included within the bulk-head; multiply these three measurements together and dividing the product by 92·4, the quotient will be the number of tons to be added to the result as above found. In order to ascertain the tonnage of open vessels, the depths are to be measured from the upper edge of the upper strake.

Rules of measurement.

13. In each of the several rules hereinbefore prescribed, when applied for the purpose of ascertaining the tonnage of any ship propelled by steam, the tonnage due to the cubical contents of the engine-room shall be deducted from the total tonnage of the ship as determined by either of the rules aforesaid, and the remainder shall be deemed the true register tonnage of the said ship. The tonnage due to the cubical contents of the engine-room shall be determined in the following manner (that is to say),—measure the inside length of the engine-room in feet and decimal parts of a foot from the foremost to the aftermost bulk-head, then multiply the said length by the depth of the ship at the midship division as aforesaid, and the product by the inside breadth at the same division at

Measurement of steam vessels.

two-fifths of the depth from the deck taken as aforesaid, and divide the last product by 92·4, and the quotient shall be deemed the tonnage due to the cubical contents of the engine-room.

Alterations in steam-vessels requiring new registry.

14. The tonnage due to the cubical contents of the engine-room and also the length of the engine-room, shall be set forth in the Certificate of Registry as part of the description of the ship, and any alteration of such tonnage due to the cubical contents of the engine-room, or of such length of the engine-room, after registry, shall be deemed to be an alteration requiring registry *de novo*.

Measurement of laden vessels.

15. For the purpose of ascertaining the tonnage of all such ships whether belonging to the United Kingdom or otherwise, as there shall be occasion to measure while their cargoes are on board, the following rule shall be observed and is hereby established (that is to say),—measure, *first*, the length on the upper deck between the afterpart of the steam and the forepart of the stern-post; *secondly*, the inside breadth on the underside of the upper deck at the middle point of the length; and, *thirdly*, the depth from the underside of the upper deck down the pump-well to the skin: multiply these three dimensions together, and divide the product by one hundred and thirty, and the quotient will be the amount of the register tonnage of such ships.

Registered tonnage to be marked on main beam.

16. The true amount of the register tonnage of every merchant ship belonging to the United Kingdom, to be ascertained according to the rule by this Act established in respect of such ships, shall be deeply carved or cut in figures of at least three inches in length on the main beam of every such ship, prior to her being registered.

Registered tonnage to be repeated in every subsequent registor.

17. Whenever the tonnage of any ship shall have been ascertained according to the rules herein prescribed, such amount of tonnage shall ever after be deemed the tonnage of such ship, and shall be repeated in every subsequent registry of such ship, unless it shall happen that any alteration has been made in the form or burthen of such ship, or it shall be discovered that the tonnage of such ship had been erroneously taken and computed.

Fraudulent use of Certificate.

18. If such certificate as aforesaid shall be sold, lent, or otherwise disposed of to any person other than those for whose use it is granted, or shall be made use of for the service of any ship other than the ship for which it is granted, such certificate shall thenceforth be void, and the master or any owner of the ship who shall be proved to have sold, lent, or disposed of such certificate, or made use of the same as aforesaid, or shall have concurred in or been privy to the committing any such offence, shall be liable, upon conviction by information as aforesaid, to a penalty not exceeding ten thousand Rupees. In case such ship shall be lost or taken by the enemy, burnt or broken up, or otherwise prevented from returning to the port at which she is registered, or shall on any account have lost and forfeited the privileges of a British ship, or shall have been seized and legally condemned for illicit trading, or shall have been taken in execution for debt and sold by due process of law, or shall have been sold to the Crown, or shall under any circumstances have been registered *de novo*, the certificate, if preserved, shall be delivered up, within one month after the arrival of the master in any port or place in British India to the Registering Officer at such port, in default whereof the master or any of the owners shall be liable, on conviction by information as aforesaid, in a penalty not exceeding five thousand Rupees. If any person not being such subject as aforesaid, shall purchase or otherwise become entitled to the whole or to any part or share of or any interest in such ship, and the same shall be within the limits of any port of British India, then and in such case the Certificate of Registry shall, within seven days after such purchase or transfer of property in such ship, be delivered up to the Registering Officer at such port, and if such ship shall be in any place not within British India when such purchase or transfer of property shall take place, then the certificate shall be delivered up within fourteen days after the arrival of such ship or of the master thereof in any port of British India to the Registering Officer at such port, in default whereof the master or any of the owners shall be liable, on conviction before any Justice of the Peace, in a penalty not exceeding five thousand Rupees.

Change of Master.

19. When and so often as the master of any ship registered in manner hereinbefore directed, shall be changed, the master or owner of such ship shall deliver to the person hereinbefore authorized to make such registry and grant such Certificates of Registry at the port where such change shall take place, if it be a port within British India the Certificate of Registry belonging to such ship, who shall thereupon indorse and subscribe a memorandum of such change, and shall forthwith give notice of the same to the proper officer of the port or place where such ship was last registered pursuant to this Act, who shall likewise make a memorandum of the same in the book of registers which is hereby directed and required to be kept, and shall forthwith give notice thereof in like manner as of the original entry. But if the change do not take place in any port within British India, then such delivery, memorandum, and endorsement shall be made, and notice given at the first port within British India at which the new master shall arrive after such change. In default of such delivery of the certificate, such new master or any of the owners shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding five thousand Rupees.

Name of ship.

20. It shall not be lawful for any owner of any ship to give any name to such ship other than that by which she was first registered in pursuance of this Act. The owner of every ship which shall be so registered, shall, before such ship, after such registry, shall begin to take in any cargo, paint or cause to be painted, in white or yellow letters of a length of not less than four inches, upon a black ground on some conspicuous part of the stern, the name by which such ship shall have been registered pursuant to this Act, and the port to which she belongs, in a distinct and legible manner, and shall so keep and preserve the same. If such owner or master of such ship shall

permit such ship to begin to take in cargo before her name has been so painted as aforesaid, or shall wilfully alter, erase, obliterate, or in anywise hide or conceal, or cause or procure or permit the same to be done, or shall in any written or printed paper or other document describe such ship by any name other than that by which she was first registered pursuant to this Act, or shall verbally describe, or cause or procure or permit such ship to be described by any other name to any Officer of Revenue in the due execution of his duty, then and in every such case the Certificate of Registry shall thenceforth become void, and such owner or master of such ship shall be liable, on information as aforesaid, to a penalty not exceeding ten thousand Rupees.

Certificate of building.

21. Every person who shall apply for a Certificate of the Registry of any ship, shall, and is hereby required to produce to the person authorized to grant such certificate, a true and full particular under the hand of the builder of such ship, or in case the want of such certificate can be satisfactorily accounted for, then to produce other sufficient evidence of the proper denomination, and of the time when and the place where such ship was built, and also an exact account of her tonnage, and shall also make and subscribe a declaration before the person hereinbefore authorized to grant such certificate that the ship for which such certificate is required is the same as that which is so described by the builder as aforesaid.

Certificate lost or mislaid.

22. If the Certificate of Registry of any ship shall be lost or mislaid, so that the same cannot be found or obtained for her use when needful, and proof thereof shall be made to the satisfaction of the Registering Officer of the port at which the ship is registered, such Officer shall and may, where the certificate shall have been lost or mislaid, permit such ship to be registered *de novo*, and a certificate thereof to be granted: Provided always that if such ship be absent and far distant from the port to which she belongs, or by reason of the absence of the owner or of any other impediment, registry of the same cannot then be made in sufficient time, such Registering Officer shall and may grant a license for the present use of such ship, and such license shall, for the time and to the extent specified therein and no longer, be of the same force and virtue as a Certificate of Registry granted under this Act: Provided always that if the Certificate of Registry shall at any time afterwards be found, the same shall be forthwith delivered to the proper Officers of Customs to be cancelled, and that no illegal use be made of the same, in default whereof the original certificate and the renewed certificate and license shall thenceforth become void. Any person wilfully detaining the certificate so required to be cancelled, or making any illegal use thereof, shall be liable, on conviction before any Justice of the Peace, in a penalty not exceeding five thousand Rupees.

Detention of certificate.

23. In case any person who shall have received or obtained by any means, or for any purpose whatever, the Certificate of the Registry of any such ship (whether he shall claim to be the master, or to be the owner or one of the owners of such ship, or not), shall wilfully detain and refuse to deliever up the same to the proper Officers of Customs, for the purposes of such ship, as occasion shall require, or to the person having the actual command, possession, and management of such ship as the ostensible and reputed master, or as the ostensible and reputed owner thereof, it may and shall be lawful to and for any such last-mentioned person to make complaint on oath of such detainer and refusal to any Justice of the Peace residing near to the place where such detainer and refusal shall be, and on such complaint the said Justice shall, and is hereby required by warrant under his hand and seal, to cause the person so complained against to be brought before him to be examined touching such detainer and refusal. If it shall appear to the said Justice on examination of such person, or otherwise, that the said Certificate of Registry is not lost or mislaid, but is wilfully detained by the said person, he shall be subject, on conviction before such Justice, to a penalty not exceeding one thousand Rupees; and the said Justice shall, and he is hereby required to certify the aforesaid detainer, refusal, and conviction to the person who granted such Certificate of Registry for such ship who shall, on the terms and conditions of law being complied with, make registry of such ship *de novo*, and grant a certificate thereof conformably to law, notifying on the back of such certificate the ground upon which the ship was so registered *de novo*. If the person who shall have detained and refused to deliver up such Certificate of Registry as aforesaid, or shall be verily believed to have detained the same, shall have absconded so that the said warrant of the Justice cannot be executed upon him, and proof thereof shall be made to the satisfaction of the Registering Officer of the port at which the ship was registered, it shall be lawful for the said Officer to permit such ship to be registered *de novo*, or otherwise, in his discretion, to grant a license for the present use of such ship in like manner as is hereinbefore provided in the case wherein the Certificate of Registry is lost or mislaid.

Registration *de novo*.

24. If any ship, after she shall have been registered pursuant to the directions of this Act, shall in any manner whatever be altered so as not to correspond with all the particulars contained in the certificate of her registry, or if any alteration shall take place in the ownership of any ship, or of any share or shares thereof, in such cases such ship shall be registered *de novo* in manner hereinbefore required as soon as she returns to the port to which she belongs, or to any other port within British India, on failure whereof such ship shall be deemed to be a ship not duly registered, and any person making use of a certificate for the purposes of any ship which has been granted in respect of the same, after the same ought to have been registered *de novo*, shall be liable, on conviction before any Justice of the Peace, to a penalty not exceeding five thousand Rupees.

Testimony of Registering Officers.

25. The Registering Officer at any port or place, and the person acting for him, shall, upon every reasonable request by any person whomsoever, produce and exhibit for his inspection and examination any declaration made by any such owner, and also any register or entry in any book of registry required, and shall upon every reasonable request by any

person whomsoever, permit him to take a copy, or extract thereof respectively. The copy of any such oath or declaration, registry or entry, shall, upon being proved to be a true copy thereof respectively, be received as evidence upon every trial without the production of the original, and without the testimony or attendance of any Registering Officer, or other person acting for him respectively, in all cases, as fully as such original if produced by any Registering Officer, or other person acting for him, could or might legally be admitted or received in evidence.

False declaration. Falsifying documents.

26. If any person shall falsely make declaration to any of the matters hereinbefore required to be verified by declaration, or if any person shall counterfeit, erase, alter, or falsify any certificate or other instrument in writing required or directed to be obtained, granted, or produced by this Act, or shall knowingly or wilfully make use of any certificate or other instrument so counterfeited, erased, altered, or falsified, or shall wilfully grant such certificate or other instrument in writing, knowing it to be false, such person shall, for every such offence, be liable on conviction upon information as aforesaid, to a penalty not exceeding ten thousand Rupees. If any such offence be committed by the owner of any ship, the certificate of such ship shall thenceforth be void.

Ships of Native States.

27. When any ship duly registered under this Act, or under any statute for the time being in force in the United Kingdom, shall come to be owned by a Native Prince or State, or by any subject of such Native Prince or State, it shall be lawful for the Local Government to continue to such ship the privileges and advantages of a British ship for the purposes aforesaid by a pass to be issued under the Seal of the Local Government and subscribed by a Secretary to such Government, stating the voyage or voyages for which the same is to have effect, and the period for which it is to last. It shall be lawful for the Local Government to issue a similar pass conferring the privileges and advantages of a British ship for the purposes aforesaid under this Act to any ship built within the dominions of such Native Prince or State, and owned by such Prince or State, or by any of his or its subjects: Provided always that the ships belonging to Native Princes or States, or their subjects, in respect of which passes may be granted under this Act shall, during the voyage or voyages, or the period for which any such pass shall be granted, be commanded by a subject of Her Majesty for whom the Governor General of India in Council has power to legislate.

Issue of passes to ships of Native States.

28. The passes which, under the last preceding section of this Act, may be issued for conferring the privileges and advantages of a British ship, in certain cases, to any ship built within the dominions of a Native Prince or State in subordinate alliance with, or having subsidiary treaties with, the Government of India, may be issued in the like cases, and under the same restrictions, to any ship belonging to any such Native Prince or State, or his or its subjects, wherever the same may have been built.

Coasting ships may be registered and obtain passes.

29. All ships of whatever rig and of whatever tonnage, owned by British subjects, entitled to registry under this Act, or owned by such Native Princes or States, or by their subjects, entitled to passes under this Act, employed only in coasting voyages or between any port of the Continent of India and the Island of Ceylon, may be registered and obtain passes, and the tonnage may be marked, according to such rules as shall be made from time to time by the Local Government.

Fee for Certificate of Registry of such coasting ships.

30. The owners of coasting vessels, registered under Section 29 shall pay for each Certificate of Registry—

For a vessel not exceeding the burthen of four tons, one Rupee;

Exceeding four tons and not exceeding twenty tons, five Rupees;

Exceeding twenty tons and not exceeding eighty tons, seven Rupees;

Exceeding eighty tons, for each ton two annas.

Such fees shall be carried to the credit of the Local Government.

Fees.

31. Subject to the provisions contained in Section 30, fees demandable in respect of the granting any certificate or pass under this Act, shall be fixed from time to time according to the directions of the Governor General of India in Council, but so that the same shall not exceed the amount of fees now payable for registering or granting passes to ships at the different Presidencies.

Ships to belong to ports at which they shall be registered.

32. All ships registered under this Act, shall be deemed to belong to the ports at which they shall be respectively registered. All ships being registered, or in respect of which passes may have been granted which are unexpired at the time of passing this Act, shall, for the purpose of being deemed British ships, be deemed to belong to the ports at which they may have been registered, or when passes shall have been granted which are unexpired, at which such passes may have been respectively granted. Such ships built and owned as required by the Statute 3 and 4 Vic., Cap. 56, shall continue subject to all the rules in force at the respective Presidencies before the passing of this Act, touching the registering, measurement, granting passes or other requisitions in respect of the same, and shall not be subject to the provisions of this Act, or any provisions of the Statute law, a compliance with which may heretobefore have been necessary in order that ships built and owned as aforesaid might be deemed British ships for the purposes of trade.

Registers and Certificates of Registry admissible without proof of signature.

33. Every register of a ship kept under this Act, or under any of the Acts of Parliament relating to the registry of British ships, may be proved in any Court of Justice, or before any person having by law or by consent of parties, authority to hear, receive, and examine evidence with respect to, or concerning any suit or other proceeding in any such Court, either by production of the original, or by an examined copy

thereof, or by a copy thereof purporting to be certified under the hand of the person having the charge of the original. Such person is hereby required to furnish such certified copy to any person applying at a reasonable time for the same, upon payment of the sum of one Rupee.

Register and Certificates of Registry to be *primâ facie* proof of contents.

34. Every such register, or such copy of a register, and also every Certificate of Registry granted under this Act, or any of the said Acts of Parliament, and purporting to be signed as required by law, shall be received in evidence in any Court of Justice, or before any person having by law or by consent of parties authority to hear, receive, and examine evidence as aforesaid, as *primâ facie* proof of all the matters contained or recited in such register, when the register or such copy thereof as aforesaid, is produced, and of all the matters contained or recited in or endorsed on such Certificate of Registry, when the said certificate is produced.

PART III.—*Of Official Logs.*

Official logs to be kept in forms sanctioned by Local Government.

35. An official log-book of every ship registered at any port or place in British India, except Home-trade ships of a burden not exceeding three hundred tons, shall be kept in a form sanctioned by the Local Government; and such official log may, at the discretion of the master or owner, either be kept distinct from the ordinary ship's log or united therewith, so that in all cases all the blanks in the official log be duly filled up.

Entries to be made in due time.

36. Every entry in every official log shall be made as soon as possible after the occurrence to which it relates, and if not made on the same day as the occurrence to which it relates shall be made and dated so as to show the date of the occurrence, and of the entry respecting it; and in no case shall any entry therein in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge be made more than twenty-four hours after such arrival.

Entries required in official log.

37. Every master of a ship for which an official log-book is hereby required, shall make or cause to be made therein entries of the following matters (that is to say),—

Convictions.

(1)—Every legal conviction of any member of his crew, and the punishment inflicted:

Offence.

(2)—Every offence committed by any member of his crew for which it is intended to prosecute, or to enforce a forfeiture, or to exact a fine, together with such statement concerning the reading over such entry, and concerning the reply (if any) made to the charge, as required by Section 140:

Punishment.

(3)—Every offence for which punishment is inflicted on board, and the punishment inflicted:

Conduct, &c., of crew.

(4)—A statement of the conduct, character and qualifications of each of his crew, or a statement that he declines to give an opinion on such particulars:

Illness and injuries.

(5)—Every case of illness or injury happening to any member of the crew, with the nature thereof, and the medical treatment adopted (if any):

Deaths.

(6)—Every case of death happening on board, and of the cause thereof:

Births.

(7)—Every birth happening on board, with the sex of the infant, and the names of the parents:

Marriages.

(8)—Every marriage taking place on board, with the names and ages of the parties:

Quitting ship.

(9)—The name of every seaman or apprentice who ceases to be a member of the crew, otherwise than by death, with the place, time, manner and cause thereof:

Wages of men entering Navy.

(10)—The amount of wages due to any seaman who enters Her Majesty's service during the voyage:

Wages of deceased seamen.

(11)—The wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made therefrom:

Sale of deceased men's effects.

(12)—The sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold and of the sum received for it:

Collisions.

(13)—Every collision with any other ship, and the circumstances under which the same occurred.

Entries how to be signed.

38. The entries hereby required to be made in official log-books shall be signed as follows (that is to say), every such entry shall be signed by the master and by the mate or some other of the crew, and every entry of illness, injury, death, or birth, shall be also signed by the surgeon or medical practitioner on board (if any); and every entry of wages due to, or of the sale of the effects of, any seaman or apprentice who dies, shall be signed by the master and by the mate and some other member of the crew; and every entry of wages due to any seaman who enters Her Majesty's service, shall be signed by the master and by the seaman, or by the officer authorized to receive the seaman into such service.

Penalties in respect of official logs.

39. The following offences in respect of official log-books shall be punishable as hereinafter mentioned (that is to say),—

(1.)—If in any case an official log-book is not kept in the manner hereby required, or if any entry hereby directed to be made in any such log-book is not made at the time and in the manner hereby directed, the master shall, for each such offence, incur the specific penalty herein mentioned in respect thereof, or where there is no such specific penalty, a penalty not exceeding fifty Rupees.

(2.)—Every person who makes or procures to be made or assists in making any entry in an official log-book, in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge in British India, more than twenty-four hours after such arrival, shall, for each such

offence, incur a penalty not exceeding three hundred Rupees.

(3.)—Every person who wilfully destroys or mutilates or renders illegible any entry in any official log-book, or who wilfully makes or procures to be made or assists in making any false or fraudulent entry or omission in any such log-book, shall, for each such offence, be liable to imprisonment, with or without hard labour, for a term not exceeding one year.

Entries in official logs to be received in evidence.

10. All entries made in any official log-book as hereinbefore directed shall be received in evidence in any proceeding in any Court of Justice, subject to all just exceptions.

Official logs to be delivered to Shipping Master on ship's arrival at port of destination in India.

11. The master of every foreign-going ship shall within forty-eight hours after the ship's arrival at her final port of destination in British India, or upon the discharge of the crew, whichever first happens, deliver to the Shipping Master before whom the crew is discharged, the official log-book of the voyage; and the master or owner of every Home-trade ship of a burden exceeding three hundred tons, shall, within twenty-one days after the thirtieth day of June and the thirty-first day of December in every year, transmit or deliver to some Shipping Master in British India the official log-book for the preceding half year; and every master or owner who refuses or neglects to deliver his official log-book, as hereby required, shall be subject to a penalty not exceeding two hundred Rupees.

Official logs to be transmitted to Shipping Master in case of transfer of ship and in case of loss

12. If any ship ceases, by reason of transfer of ownership or change of employment, to fall within the operation of Section 35, the master or owner thereof shall, if such ship is then in any port in British India, within one month, and if she is elsewhere, within six months, deliver or transmit to the Shipping Master at the port to which the ship belonged, the official log-book duly made out to the time at which she ceased to be within such operation, and in default shall, for each offence, incur a penalty not exceeding one hundred Rupees; and if any ship is lost or abandoned, the master or owner thereof, shall, if practicable, and as soon as possible, deliver or transmit to the Shipping Master at the port to which the ship belonged, the official log-book (if any) duly made out to the time of such loss or abandonment, and in default shall, for each offence, incur a penalty not exceeding one hundred Rupees.

PART IV.—*Enquiries into Wrecks.*

Enquiry may be instituted in cases of wreck and casualty.

13. In any of the cases following (that is to say),—

Whenever any ship, whether British or foreign, is lost, abandoned or materially damaged on or near the coasts of British India;

Whenever any such ship causes loss or material damage to any other such ship on or near such coasts,

Whenever, by reason of any casualty happening to or on board of any such ship on or near such coasts, loss of life ensues;

Whenever any such loss, abandonment, damage, or casualty happens elsewhere to, or on board any ship registered at any port or place in British India, under the Merchant Shipping Act, 1854, or under this Act:

It shall be the duty of any European Civil Officer of Government residing at or near the place where such loss, abandonment, damage, or casualty occurred, if the same occurred in British India; but if elsewhere, at or near the place where such witnesses as hereinafter mentioned arrive or are found to give notice of the same to the Local Government: It shall be lawful for the Local Government, whether such notice be given or not, if a formal investigation appears to it to be requisite or expedient, to appoint two persons to make the same. The investigation shall be held at such place as the Local Government shall deem best for the convenient examination of the witnesses. One of the persons to be so appointed shall be a Magistrate acting in or near the place where the investigation is held, the other may be any person conversant with maritime affairs.

Investigation.

14. The persons appointed shall proceed to make the investigation, and shall for that purpose, so far as relates to compelling the attendance of witnesses, and the regulation of the proceedings, have the same powers as if the same were a proceeding relating to an offence or cause of complaint upon which such Magistrate has power to convict summarily, or as near thereto as circumstances admit.

Report

15. Upon the conclusion of the case the persons appointed to investigate shall send a report to the Local Government, containing a full statement of the case and of their opinion thereon, accompanied by such report of or extracts from the evidence, and such observations (if any) as they may think fit.

In case of wreck of foreign ship, Consul to be deemed owner's agent.

16. Whenever any articles belonging to or forming part of any foreign ship which has been wrecked on or near the coast of British India, or belonging to or forming part of the cargo thereof, are found on or near such coast, or are brought into any port in British India, any Consular Officer of the country to which such ship or, in the case of cargo, to which the owners of such cargo may have belonged, authorised in that behalf by any treaty or agreement with such country, shall, in the absence of the owner of such ship or articles, and of the master or other agent of the owner, be deemed to be the agent of the owner so far as relates to the custody and disposal of such articles.

PART V.—*Of Shipping Offices.*

Shipping Offices.

17. A Shipping Office shall be established at each of the ports of Calcutta, Madras and Bombay, and at such other ports as the Governor General of India in Council shall hereafter deem necessary. For every such Office there shall be a Superintend-

ent, to be called a "Shipping Master," with such necessary Deputies, clerks, and servants, at such salaries, and subject to such regulations as the Local Government shall, from time to time, with the sanction of the Governor General of India in Council, direct and appoint. Every act done by or before any deputy duly appointed, shall have the same effect as if done by or before a Shipping Master.

Appointment, removal, and control of Shipping Masters and Deputies.

48. The Local Government shall have power to appoint and remove such Shipping Masters and Deputies, who shall respectively be subject to the control of that Government, or of any intermediate authority which it may appoint.

Business of Shipping Masters.

49. It shall be the general business of the Shipping Masters appointed under this Act to superintend and facilitate the engagement and discharge of seamen in manner hereinafter mentioned, to provide means for securing the presence on board at the proper times of men who are so engaged, and to perform such other duties relating to merchant seamen and merchant ships as are hereby, or under the Merchant Shipping Act, 1854, or as may hereafter under the powers herein contained, be committed to them. It shall also be the duty of Shipping Masters to give to all persons desirous of apprenticing boys to the sea-service, and duly authorized so to do by Act No. XIX of 1850 (*concerning the binding of apprentices*), and also to masters and owners of ships requiring apprentices, such assistance as may be in their power for facilitating the making of such apprenticeships.

Fees to be paid upon engagements and discharges.

50. Such fees, not exceeding the sums specified in the Table marked (A) in the second Schedule to this Act, as are, from time to time, fixed by the Local Government, shall be payable upon all engagements and discharges effected before Shipping Masters as hereinafter mentioned. Scales of the fees payable for the time being, shall be conspicuously placed in the Shipping Offices; and all Shipping Masters, their Deputies, clerks and servants may refuse to proceed with any engagement, unless the fees payable thereon are first paid.

Fees by whom to be paid, &c.

51. Every owner or master of a ship engaging or discharging any seaman in a Shipping Office or before a Shipping Master, shall pay to the Shipping Master the whole of the fees hereby made payable in respect of such engagement or discharge, and may, for the purpose of in part reimbursing himself, deduct in respect of each such engagement or discharge from the wages of all persons (except apprentices) so engaged or discharged, and retain any sums not exceeding the sums specified in that behalf in the Table marked (B) in the second Schedule hereto: Provided that, if in any cases the sums which the owner is so entitled to deduct, exceed the amount of the fee payable by him, such excess shall be paid by him to the Shipping Master in addition to such fee.

Proviso as to excess.

Penalty on Shipping Master taking other remuneration.

52. Any Shipping Master, Deputy Shipping Master, or any clerk or servant in any Shipping Office, who demands or receives any remuneration whatever, either directly or indirectly, for hiring or supplying any seaman for any merchant ship, excepting the lawful fees payable under this Act, shall, for every such offence, incur a penalty not exceeding two hundred Rupees, and shall also be dismissed from his office.

Business of Shipping Office may be transacted at Custom House or elsewhere.

53. The Local Government may direct that, at any place at which no separate Shipping Office is established, the whole or any part of the business of the Shipping Office shall be conducted at the Custom House, or at the Office of the Master Attendant or Harbour Master, or at such other Office as the Government shall direct, and thereupon the same shall be there conducted accordingly; and in respect of such business such Custom House or Office as aforesaid shall for all purposes be deemed to be a Shipping Office, and the Officer of Customs or other Officer there, to whom such business is committed, shall for all purposes be deemed to be a Shipping Master within the meaning of this Act.

PART VI.—*Of the Examinations and Certificates of Masters and Mates.*

Examinations.

54. Examinations shall be instituted for persons who intend to become masters or mates of foreign-going ships, or of Home-trade ships, of a burden exceeding three hundred tons, or who wish to procure certificates of competency hereinafter mentioned.

Local Government to appoint examiners.

55. The Local Government or any Board or Officer duly authorized by the Local Government in that behalf shall, from time to time, nominate two or more competent persons for the purpose of examining the qualifications of the applicants for examination.

Rules for conduct of examination.

The Local Government may, with the sanction of the Governor General of India in Council, make rules for the conduct of such examinations, and as to the qualifications to be required, and such rules shall be strictly adhered to by all examiners.

Fees.

Fees at the following rates shall be paid by all applicants for examination :—

For a certificate as Master	...	Ten Rupees.
Ditto ditto as Mate	...	Five „

Certificates of competency.

56. The Local Government or such Board or Officer as aforesaid, shall deliver to every applicant who is reported by the examiners to have passed the examination satisfactorily, and to have given satisfactory evidence of his sobriety, experience, ability, and general good conduct on boardship, a certificate (hereinafter called a "certificate of competency") to the effect that he is competent to act as master or mate of a foreign-going ship, or of a Home-trade ship, of a burden exceeding three hundred tons, as the case may be.

57. Certificates of service differing in form from certificates of competency, shall be granted as follows (that is to say),—

Certificates of service

(1)—Every person who, before the passing of this Act, has served as master in the British merchant service or as master of any foreign-going ship registered under Act No. X of 1841, or who shall attain or has attained the rank of Lieutenant, Master, passed Mate, or second Mate, or any higher rank, in the service of Her Majesty or of the late East India Company, shall be entitled to a certificate of service as master for foreign-going ships:

(2)—Every person who, before the passing of this Act, has served as mate in the British merchant service or as mate of any such ship as aforesaid, shall be entitled to a certificate of service as mate for foreign-going ships:

(3)—Every person who, before the passing of this Act, has served as master or mate of a Home-trade ship of a burden exceeding three hundred tons, shall be entitled to a certificate of service as master or mate (according to such previous service) for such Home-trade ships:

And each of such certificates of service shall contain particulars of the name and of the length and nature of the previous service of the person to whom it is delivered; and the Local Government or such other authority as aforesaid shall deliver such certificates of service to the various persons so respectively entitled thereto upon their proving themselves to have attained such rank or to have served as aforesaid, and upon their giving a full and satisfactory account of the particulars aforesaid.

58. No foreign-going ship or Home-trade ship of a burden exceeding three hundred tons shall go to sea from any port in British India, unless the master and one officer besides the master have obtained and possess valid and appropriate certificates either of competency or service under this Act or under the Merchant Shipping Act, 1854; and whoever, having been engaged to serve as master or mate, goes to sea as aforesaid as such master or mate without being at the time entitled to and possessed of such a certificate as hereinbefore required, and whoever employs any person as such master or mate without ascertaining that he is at the time entitled to and possessed of such certificate, shall, for each such offence, be liable to a penalty of five hundred Rupees.

No foreign-going ship and no Home-trade ship above 300 tons to go to sea without certificated Master, &c.

59. Every certificate of competency for a foreign-going ship shall be deemed to be of a higher grade than the corresponding certificate for a Home-trade ship, and shall entitle the lawful holder thereof to go to sea in the corresponding grade in such last-mentioned ship; but no certificate for a Home-trade ship shall entitle the holder to go to sea as master or mate of a foreign-going ship.

Certificates for foreign-going ships available for Home-trade ships.

60. All certificates, whether of competency or service, shall be made in duplicate, and one part shall be delivered to the person entitled to the certificate, and the other shall be kept and recorded as the Local Government shall direct. A note of all orders made for cancelling suspending, altering, or otherwise affecting any certificate in pursuance of the powers herein contained, shall be entered in the record of certificates.

Record of grants, cancellations, &c., of certificates.

61. Whenever any master or mate proves to the satisfaction of the Local Government or such other authority as aforesaid, that he has, without fault on his part, lost or been deprived of any certificate already granted to him, a copy of the certificate to which, by the record so kept as aforesaid, he appears to be entitled, shall be delivered to him, and shall have all the effect of the original.

Loss of certificate.

62. Sections 54 to 61 (both inclusive) shall not apply to ships registered under this Act, and trading between ports in India and the coast of Arabia, when such ships are navigated and manned exclusively by Arabs, Lascars, or other Asiatic Masters and Seamen.

Sections 54 to 61 of this Act not to apply to ships registered under this Act, under certain circumstances.

PART VII.—*Of the Engagement of Seamen.*

63. The Local Government, or any Board or Officer duly authorized by the Local Government in that behalf, may grant to such persons as may be deemed fit, licenses to engage or supply seamen for merchant ships, to continue for such periods, to be upon such terms, and to be revocable upon such conditions as the Government thinks proper.

Licenses to procure seamen.

64. The following offences shall be punishable as hereinafter mentioned (that is to say),—

Penalties.

(1)—If any person not licensed as aforesaid, other than the owner or master or mate of the ship, or some person who is *bonâ fide* the servant and in the constant employ of the owner, or a Shipping Master duly appointed as aforesaid, engages or supplies any seaman to be entered on board any ship, he shall for each seaman so engaged or supplied incur a penalty not exceeding one hundred Rupees.

For suplying seamen without license.

(2)—If any person employs any unlicensed person, other than persons so excepted as aforesaid, for the purpose of engaging or supplying any seaman to be entered on board any ship, he shall for each seaman so engaged or supplied incur a penalty not exceeding one hundred Rupees, and, if licensed, shall in addition forfeit his license.

For employing unlicensed persons.

(3)—If any person knowingly receives or accepts to be entered on board any ship any seaman who has been engaged or supplied contrary to the provisions of this Act, he shall for every seaman so engaged or supplied incur a penalty not exceeding one hundred Rupees.

For receiving seamen illegally supplied.

65. If any person demands or receives, either directly or indirectly, from any seaman, or from any person seeking employment as a seaman, or from any person on his behalf, any remuneration whatever, other than the fees hereby authorized, for providing him with employment, he shall for every such offence incur a penalty not exceeding fifty Rupees, and, if licensed as aforesaid, shall in addition forfeit his license.

Penalty for receiving remuneration from seamen for shipping them.

66. The master of every ship, except ships of a burden not exceeding three hundred tons employed only in the Home-trade, shall enter into an agreement with every seaman and with every Native of British India not being a seaman whom he carries to sea from any port in British India as one of his crew, in the manner hereinafter mentioned; and every such agreement shall be in a form sanctioned by the Governor General of India in Council, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman or other person aforesaid signs the same, and shall contain the following particulars as terms thereof (that is to say),—

Agreements with seamen and others.

(1)—The nature and, as far as practicable, the duration of the intended voyage or engagement:

(2)—The number and description of the crew, specifying how many are engaged as sailors:

(3)—The time at which each seaman and each Native of British India not being a seaman, is to be on board or to begin work:

(4)—The capacity in which each seaman and each Native of British India not being a seaman, is to serve:

(5)—The amount of wages which each seaman and each Native of British India not being a seaman, is to receive:

(6)—A scale of the provisions which are to be furnished to each seaman and to each Native of British India not being a seaman:

(7)—Any regulations as to conduct on board and as to fines, short allowance of provisions, or other lawful punishments for misconduct, which have been sanctioned by the Government as regulations proper to be adopted, and which the parties agree to adopt:

And every such agreement shall be so framed as to admit of stipulations to be adopted at the will of the master and seaman, and each Native of British India not being a seaman, in each case (not being inconsistent with the provisions of this Act), as to advance of wages and supply of warm clothing, and may contain any other stipulations which are not contrary to law: Provided that, if the master of any ship belonging to the United Kingdom or any British possession has an agreement with his crew, made in due form according to the law of the place to which such ship belongs, or in which her crew were engaged, and engages single seamen, or any Native of British India not being a seaman in any port in British India, such seaman or other person aforesaid may sign the agreement so made, and it shall not be necessary for such seaman or other person aforesaid to sign an agreement under this Act: Provided also that, in the case of lascars or other Native seamen, and every Native of India not being a seaman, when it shall be agreed that the service of any such seaman or other person aforesaid shall end at any port not in British India, the agreement shall contain stipulations for providing for such seaman or other person aforesaid fit employment on board some other vessel bound to the port at which he was shipped, or such other port as may be agreed on, or for providing for him a passage to some such port as aforesaid free of charge, or on such other terms as may be agreed on; and every such stipulation shall be signed by the owner of the vessel, or by the master on his behalf.

Proviso as to forms for British or Colonial ships.

Proviso where lascars, &c., are shipped.

67. It shall be lawful for any master or owner of a ship or his agent to enter into contract with lascars or Natives of British India, binding them to proceed to any port or ports in the Australian Colonies either as seamen or as passengers, and there to engage themselves as seamen in any ship which may happen to be there and to be bound to the United Kingdom or to any other part of Her Majesty's Dominions: Provided that every such contract shall be in such form, and shall contain such provisions, and shall be executed in such manner and under such conditions for securing the return of such lascars or Natives to their own country, and for other purposes as the Governor General of India in Council or the Local Government may direct. If any lascar or other person who has bound himself by any such contract is, on arriving in any of the said Colonies, required to enter into an agreement to serve as a seaman in any ship bound for the United Kingdom or to any other part of Her Majesty's Dominions, and if it is certified by some officer appointed for that purpose by the Governor of the said Colony that such agreement is a proper agreement in all respects for such lascar or other person to enter into, and is in accordance with the original contract, and that the ship to which such agreement relates is a proper ship for such lascar or other person to serve in, and is properly supplied with provisions, and that there is not in the opinion of such officer any objection to the full performance of the said contract, such lascar or other person shall be bound to enter into the said agreement, and to serve as a seaman in the ship to which it relates, and shall thereupon be deemed for all purposes one of the crew of the ship. If he refuses to enter into such agreement, he shall notwithstanding such refusal, be liable to the same consequences and be dealt with in all respects in the same manner as if he had voluntarily entered into the same. For every lascar or other person in respect of whom such certificate is applied for, the person applying for the same shall pay to such officer as aforesaid such fee as the Governor of the Colony may appoint.

Contracts may be made with lascars binding them to go to Australia and thence to serve in other ships to the United Kingdom.

68. It shall be lawful for any master or owner of a ship, or his agent, to enter into agreements with lascars or Natives of British India, binding them to proceed to any port or ports in the United Kingdom, either as seamen or as passengers, and there to enter into a

Contracts may be made with lascars binding them to go to the United Kingdom, and then to serve in other ships back to India or elsewhere.

further agreement to serve as seamen in any ship which may happen to be there, and to be bound to any port in British India: Provided that every such original agreement shall be made in such form, and shall contain such provisions, and shall be executed in such manner and under such conditions for securing the return of such lascars or Natives to their own country and for other purposes, as the Governor General of India in Council or the Local Government may direct. If any lascar or other person who has bound himself by any such original agreement is, on arriving in the United Kingdom, required to enter into a further agreement to serve as a seaman in any ship bound to any port in British India, and if it is certified by some Officer appointed for that purpose by the Government of India, that such further agreement is a proper agreement in all respects for such lascar or other person to enter into, and is in accordance with the original agreement, and that the ship to which such further agreement relates is in all respects a proper ship for such lascar or other person to serve in, and that there is not in the opinion of such Officer any objection to the full performance of the said original agreement, such lascar or other person shall be deemed to be engaged under such further agreement, and to serve as a seaman in the ship to which it relates, and shall thereupon be deemed to be for all purposes one of the crew of the ship. For every lascar or other person in respect of whom such certificate is applied for, the person applying for the same shall pay to such Officer as aforesaid such fee as the Government of India may appoint, not exceeding ten shillings.

For foreign-going ships agreements with seamen, except in special cases, to be made before and attested by a Shipping Master.

69. In the case of all foreign-going ships, in whatever part of Her Majesty's Dominions the same are registered, the following rules shall be observed with respect to agreements (that is to say),—

Agreement to be signed by seaman.

(1)—Every agreement made in any port in British India (except in such cases of agreements with substitutes as are hereafter specially provided for), shall be signed by each seaman in the presence of a Shipping Master.

Shipping Master to cause agreement to be explained to seaman.

(2)—Such Shipping Master shall cause the agreement to be read over and explained to each seaman, in a language understood by him, or shall otherwise ascertain that each seaman understands the same before he signs it, and shall attest each signature.

To be in duplicate.

(3)—When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the Shipping Master, and the other part shall contain a special place or form for the descriptions and signatures of substitutes or persons engaged subsequently to the first departure of the ship, and shall be delivered to the master.

Provision for substitutes.

(4)—In the case of substitutes engaged in the place of seamen who have duly signed the agreement, and whose services are lost within twenty-four hours of the ship's putting to sea by death, desertion, or other unforeseen cause, the engagement shall, when practicable, be made before some Shipping Master duly appointed in the manner hereinbefore specified. Whenever such last-mentioned engagement cannot be so made, the master shall, before the ship puts to sea if practicable, and if not, as soon afterwards as possible, cause the agreement to be read over and explained to the seamen; and the seamen shall thereupon sign the same in the presence of a witness, who shall attest their signatures.

Engagements between masters of foreign ships, and lascars.

70. When the master of a foreign ship being at any port in British India engages any lascar or other Native seaman to proceed to any port out of British India, he shall enter into an agreement with such seaman, and the agreement shall be made before a Shipping Master in the manner hereinbefore provided for the making of agreements in the case of foreign-going ships; and all the provisions of Sections 66 and 69 respecting the form of such agreements, and the stipulations to be contained in them and the making and signing of the same, shall be applicable to the engagement of such seaman; and the master of such foreign ship shall give to the Shipping Master a bond with the security of some approved person resident in British India for an amount calculated at the rate of one hundred Rupees for every such seaman, and conditioned for the due performance of the said agreement and stipulations.

Fees payable in respect of such engagements.

71. The fees prescribed in Section 51 shall be payable in respect of every such engagement, and deductions from the wages of seamen so engaged may be made to the extent and in the manner allowed by the said Section.

Penalty for master of foreign ship engaging lascars, otherwise than is allowed by Sections 71, 72.

72. If any lascar or other Native seaman is engaged by the master of any foreign ship otherwise than is allowed in the two last-preceding sections, such master shall be liable to a penalty of one hundred Rupees for every such seaman so engaged. It shall be lawful for the Shipping Master, by himself or his deputy, to enter on board any foreign ship upon which he shall have reason to believe that any such seaman has been shipped, and the provisions of Section 80 of this Act shall be applicable in respect of every such ship.

Shipping Master may board foreign ships suspected of unlawfully shipping lascars.

Foreign-going ships making short voyages may have running agreements.

73. In the case of foreign-going ships making voyages averaging less than six months in duration, running agreements with the crew may be made to extend over two or more voyages, so that no such agreement shall extend beyond the next following 30th day of June or 31st day of December, or the first arrival of the ship at her port of destination in British India after such date, or the discharge of cargo consequent upon such arrival. Every person entering into such agreement, whether engaged upon the first commencement thereof or otherwise, shall enter into and sign the same in the manner hereby required for other foreign-going ships; and every person engaged thereunder, if discharged in any port in British India, shall be discharged in the manner

hereby required for the discharge of seamen belonging to other foreign-going ships.

Engagement and discharge of seamen in the meantime.

74. The master of every foreign-going ship for which such a running agreement as aforesaid is made shall, upon every return to any port in British India before the final termination of the agreement, discharge or engage before the Shipping Master at such port any seaman whom he is required by law so to discharge or engage; and shall upon every such return endorse on the agreement a statement (as the case may be) either that no such discharges or engagements have been made or are intended to be made before the ship again leaves port, or that all such discharges or engagements have been duly made as hereinbefore required; and shall deliver the agreement so endorsed to the Shipping Master. Any master who wilfully makes a false statement in such endorsement shall incur a penalty not exceeding two hundred Rupees. The Shipping Master shall also sign an endorsement on the agreement to the effect that the provisions of this Act relating to such agreement have been complied with, and shall re-deliver the agreement so endorsed to the master.

Fees to be paid on such running agreements.

75. For the purpose of determining the fees to be paid upon the engagement and discharge of seamen belonging to foreign-going ships which have running agreements as aforesaid, the crew shall be considered to be engaged when the agreement is first signed, and to be discharged when the agreement finally terminates; and all intermediate engagements and discharges shall be considered to be engagements and discharges of single seamen.

In Home-trade ships agreement to be entered into before a Shipping Master or other witness.

76. In the case of Home-trade ships of a burden exceeding three hundred tons, crews or single seamen may, if the master thinks fit, be engaged before a Shipping Master in the manner hereinbefore directed with respect to foreign-going ships. In every case in which the engagement is not so made, the master shall, before the ship puts to sea if practicable, and if not, as soon afterwards as possible, cause the agreement to be read over and explained to each seaman, and the seaman shall thereupon sign the same in the presence of a witness, who shall attest his signature.

Special agreements for Home-trade ships belonging to same owner.

77. In cases where several Home-trade ships belong to the same owner, the agreement with the seamen may, notwithstanding anything herein contained, be made by the owner instead of by the master, and the seamen may be engaged to serve in any two or more of such ships, provided that the names of the ships and the nature of the service are specified in the agreement; but, with the foregoing exception, all provisions herein contained which relate to ordinary agreements for Home-trade ships shall be applicable to agreements made in pursuance of this Section.

Penalty for shipping seamen without agreement duly executed.

78. If in any case a master carries any seaman to sea without entering into an agreement with him in the form and manner, and at the place and time hereby in such case required, the master shall for each such offence incur a penalty not exceeding fifty Rupees.

Changes in crew to be reported.

79. The master of every foreign-going ship, of which the crew has been engaged before a Shipping Master, shall, before finally leaving British India, sign and send to the nearest Shipping Master a full and accurate statement in form sanctioned by a the Governor General of India in Council, of every change which takes place in his crew before, finally leaving British India, and in default shall for each offence incur a penalty not exceeding fifty Rupees; and such statement shall be admissible in evidence subject to all just exceptions.

To prevent infraction of Act, shipping Master may board vessels and muster seamen.

80. For the purpose of preventing any seamen from being shipped at any port in India contrary to the provisions of this Act, the Shipping Master by himself or his deputy may enter at any time on board any ship upon which he shall have reason to believe that seamen have been shipped, and may muster and examine the several seamen employed therein. Any person who shall obstruct the said Shipping Master or deputy in such duty, shall be liable to a penalty not exceeding one hundred Rupees.

Production of agreements and certificates for foreign-going ships.

81. The following rules shall be observed with respect to the production of agreements and certificates of competency or service for foreign-going ships (that is to say),—

(1)—The master of every foreign-going ship shall, on signing the agreement with his crew, produce to the Shipping Master before whom the same is signed, the certificates of competency or service which the said master and his mate are hereby required to possess; and upon such production being duly made, and the agreement being duly executed as hereby required, the Shipping Master shall sign and give to the master a certificate to that effect.

(2)—In the case of running agreements for foreign-going ships, the Shipping Master shall, before the second and every subsequent voyage made after the first commencement of the agreement, sign and give to the master, on his complying with the provisions herein contained with respect to such agreements, and producing to the Shipping Master the certificate of competency or service of any mate then first engaged by him, a certificate to that effect.

(3)—The master of every foreign-going ship, shall, before proceeding to sea, produce the certificate so to be given to him by the Shipping Master as aforesaid to the Collector of Customs, or if there be no Collector of Customs, to the Officer whose duty it is to grant a port-clearance. No Officer of Customs or other Officer shall clear any such ship outwards without such production; and if any such ship attempts to go to sea without a clearance, any such Officer may detain her until such certificate as aforesaid is produced.

(4)—The master of every foreign-going ship shall, within forty-eight hours after the ship's arrival at her final port of destination in British India or upon the discharge of the crew, whichever first happens, deliver such agreement to a Shipping

Master at the place; and such Shipping Master shall thereupon give to the master a certificate of such delivery; and no Officer of Customs or other Officer shall clear any foreign-going ship inwards without the production of such certificate.

And if the master of any foreign-going ship fails to deliver the agreement to a Shipping Master at the time and in the manner hereby directed, he shall for every default incur a penalty not exceeding fifty Rupees.

Rules as to production of agreements and certificates for Home-trade ships.

82. The following rules shall be observed with respect to the production of agreements and certificates of competency or service for Home-trade ships of a burden exceeding three hundred tons (that is to say),—

(1)—No such agreement shall extend beyond the next following thirtieth day of June or thirty-first day of December, or the first arrival of the ship at her final port of destination in British India after such date, or the discharge of cargo consequent upon such arrival.

(2)—The master or owner of every such ship shall, within twenty-one days after the thirtieth day of June and the thirty-first day of December in every year, or (if the ship is not at any port in British India within twenty-one days after either the thirtieth day of June or the thirty-first day of December in any year), within forty-eight hours after her next arrival at any port in British India, transmit or deliver to some Shipping Master in British India every agreement made within the six calendar months next preceding such days respectively, and shall also produce to the Shipping Master the certificates of competency or service which the said master and his mate are hereby required to possess.

(3)—The Shipping Master shall thereupon give to the master or owner a certificate of such delivery and production; and no Officer of Customs or other Officer authorized to grant a port-clearance shall grant a clearance for any such ship without the production of such certificate; and if any such ship attempts to go to sea without such clearance, any such Officer may detain her until the said certificate is produced.

And if the agreement for any Home-trade ship is not delivered or transmitted by the master or owner to a Shipping Master at the time and in the manner hereby directed, such master or owner shall, for every default, incur a penalty not exceeding fifty Rupees.

Alterations to be void, unless attested to have been made with the consent of all parties.

83. Every erasure, interlineation, or alteration in any such agreement with seamen, as is required by this Act (except additions so made as hereinbefore directed for shipping substitutes or persons engaged subsequently to the first departure of the ship), shall be wholly inoperative, unless proved to have been made with the consent of all the persons interested in such erasure, interlineation, or alteration by the written attestation (if made in Her Majesty's Dominions) of some Shipping Master, Justice, Officer of Customs, or other public functionary, or (if made out of Her Majesty's Dominions) of a British Consular Officer, or where there is no such Officer, of two respectable British Merchants.

Copy of agreement to be made accessible to crew.

84. The master shall, at the commencement of every voyage or engagement cause a legible copy of the agreement, and if necessary a translation thereof in a language understood by the majority of the crew (omitting the signatures), to be placed or posted up in such part of the ship as to be accessible to the crew, and in default shall for each offence incur a penalty not exceeding fifty Rupees.

Seamen discharged before voyage to have compensation.

85. Any seaman who has signed an agreement, and is afterwards discharged before the commencement of the voyage, or before one month's wages are earned, without fault on his part justifying such discharge, and without his consent, shall be entitled to receive from the master or owner, in addition to any wages he may have earned, due compensation for the damage thereby caused to him, not exceeding one month's wages, and may, on adducing such evidence as the Court or Magistrate hearing the case deems satisfactory, of his having been so improperly discharged as aforesaid, recover such compensation as if it were wages duly earned.

Relief of destitute lascars.

86. The Government of India shall take charge of and send home, or otherwise provide for, all persons being lascars or other Natives of British India who are found destitute in the United Kingdom; and if any such person is relieved or maintained by any guardians, overseers, or other persons administering the relief of the poor, such overseers, guardians, or other persons may, by letter sent through the Post or otherwise, give notice thereof in writing to the Permanent Under-Secretary of State for India, specifying, so far as is practicable, the following particulars, *viz.*:—

(1)—The name of the person so relieved or maintained.

(2)—The Presidency or District or part of British India of which he professes to be a native.

(3)—The name of the ship in which he was brought to the United Kingdom.

(4)—The port or place abroad from which such ship sailed, and the port or place in the United Kingdom at which such ship arrived, when he was so brought to the United Kingdom, and the time of such arrival.

And the Government of India shall repay to the said overseers, guardians, or other persons, out of the revenues of British India, all moneys duly expended by them in relieving or maintaining such destitute person, after the time at which such notice aforesaid is sent or otherwise given.

PART VIII.—OF SEAMEN'S WAGES.

(a)—Regulation of Advances.

Regulation of advances and advance-notes.

87. No advance of wages shall be made or advance-note given to any person but the seaman himself. No advance of wages shall be made or advance-note given for any greater sum than the amount of one month's wages, nor unless the agreement contains a stipulation for the same and

an accurate statement of the amount thereof. No advance-note shall be given to any seaman who signs the agreement before a Shipping Master, unless in the presence of such Shipping Master.

Advances irregularly or improperly made, not to be a discharge of wages.

88. If any advance of wages is made or any advance-note given to any seaman in any such manner as to constitute a breach of any of the above provisions, the wages of such seaman shall be recoverable by him as if no such advance had been made or advance-note given, and in the case of any advance-note so given, no person shall be sued thereon under the provisions hereinafter contained, unless he was in person or by his agent a party to the irregular or improper manner of giving the same.

(b)—Allotment of Wages.

Stipulations for allotment, to be inserted in the agreement.

89. All stipulations for the allotment of any part of the wages of a seaman during his absence, which are made at the commencement of the voyage, shall be inserted in the agreement, and shall state the amounts and times of the payments to be made. All allotment-notes shall be in forms sanctioned by the Local Government, and shall be made for the benefit only of a relative of the seaman or some member of his family to be named in the note, and shall be payable to the Shipping Master on account of such relative of the seaman or member of his family. Such allotment shall not in any case exceed one-third of the wages of the seaman.

Allotment-notes.

Owner, &c., to pay to Shipping Master the sums allotted.

90. The owner or any agent who has authorized the drawing of an allotment-note shall pay to the Shipping Master on demand the sums allotted by the note, when and as the same are made payable, unless the seaman is shown in manner hereinafter mentioned to have forfeited or ceased to be entitled to the wages out of which the allotment is to be paid. In the event of such sums not being paid to the Shipping Master on demand, the Shipping Master may sue for and recover them with costs. The seaman shall be presumed to be duly earning his wages, unless the contrary is shown to the satisfaction of the Court or Magistrate, either by the official statement of the change in the crew caused by his absence made and signed by the master, as by this Act is required, or by a duly certified copy of some entry in the official log-book to the effect that he has died or left the ship, or by a credible letter from the master of the ship to the same effect, or by such other evidence, of whatever description, as the Court or Magistrate trying the case considers sufficient to show satisfactorily that the seaman has ceased to be entitled to the wages out of which the allotment is to be paid.

Suits on allotment-notes.

Evidence.

Receipts and payments by Shipping Master on account of allotment-notes.

91. The Shipping Master, on receiving any such sum as aforesaid, shall pay it over to the person named in the allotment-note. All such receipts and payments shall be entered in a book, and all entries in the said book shall be authenticated by the signature of the Shipping Master or his deputy, and the said book shall be at all times open to the inspection of the parties concerned.

(c)—Discharge and payment of Wages.

Discharge from foreign-going ships to be made before Shipping Master.

92. All seamen discharged from any foreign-going ship at any port in British India in whatever part of Her Majesty's dominions the ship is registered, shall be discharged and receive their wages in the presence of a Shipping Master duly appointed under this Act, except in cases where some competent Court otherwise directs. And any master or owner of any such ship who discharges any seaman belonging thereto, or except as aforesaid pays his wages in any other manner, shall incur a penalty not exceeding one hundred Rupees. In the case of Home-trade ships of a burden exceeding three hundred tons, seamen may, if the owner or master so desires, be discharged and receive their wages in like manner.

Master to deliver account of wages.

93. Every master shall, not less than twenty-four hours before paying off or discharging any seaman, deliver to him, or, if he is to be discharged before a Shipping Master, to such Shipping Master, a full and true account, in a form sanctioned by the Local Government, of his wages and of all deductions to be made therefrom on any account whatever, and in default shall for each offence incur a penalty not exceeding fifty Rupees. No deduction from the wages of any seamen (except in respect of any matter happening after such delivery) shall be allowed unless it is included in the account so delivered. The master shall during the voyage enter the various matters in respect of which such deductions are made, with the amounts of the respective deductions as they occur, in a book to be kept for that purpose, and shall, if required, produce such book at the time of the payment of wages and also upon the hearing before any competent authority of any complaint or question relating to such payments.

On discharge, masters to give seamen certificates of discharge, and return certificates of competency or service to mates.

94. Upon the discharge of any seaman or upon payment of his wages, the master shall sign and give him a certificate of his discharge, in a form sanctioned by the Local Government, specifying the period of his service and the time and place of his discharge. If any master fails to sign and give to any such seaman such certificate of discharge, he shall, for each such offence, incur a penalty not exceeding one hundred Rupees. The master shall also, upon the discharge of every certificated mate whose certificate of competency or service has been delivered to and retained by him, return such certificate, and shall in default incur a penalty not exceeding two hundred Rupees.

Shipping Master may decide questions which parties refer to him.

95. Every Shipping Master shall hear and decide any question whatever between a master or owner and any of his crew which both parties agree in writing to submit to him; and every award so made by him shall be binding on both parties, and shall in any legal proceeding which may be taken in the matter before any Court or Magistrate, be deemed to be conclusive

as to the rights of the parties; and any document purporting to be such submission or award shall be *primâ facie* evidence thereof.

Enforcement of award

An award made by a Shipping Master under this section may be enforced by a Magistrate in the same manner as an order for the payment of wages made by such Magistrate under the provision of Section 106.

Master and others to produce ship's papers to Shipping Masters, and give evidence.

96. In any proceeding relating to the wages, claims, or discharge of any seaman carried on before any Shipping Master under the provisions of this Act, such Shipping Master may call upon the owner or his agent or upon the master or any mate or other member of the crew, to produce any log-books, papers, or other documents in their respective possession or power relating to any matter in question in such proceeding, and may call before him and examine any of such persons being then at or near the place on any such matter. Every owner, agent, master, mate, or other member of the crew who, when called upon by the Shipping Master, does not produce any such paper or document as aforesaid if in his possession or power, or does not appear and give evidence, shall, unless he shows some reasonable excuse for such default, for each such offence incur a penalty not exceeding fifty Rupees.

Rules as to Settlement of wages.

97. The following rules shall be observed with respect to the settlement of wages (that is to say),—

Release to be signed before and attested by the Shipping Master.

(1)—Upon the completion before a Shipping Master of any discharge and settlement, the master or owner and each seaman shall respectively, in the presence of the Shipping Master, sign, in a form sanctioned by the Local Government, a mutual release of all claims in respect of the past voyage or engagement, and the Shipping Master shall also sign and attest the release and shall retain the same.

To be a discharge.

(2)—Such release so signed and attested shall operate as a mutual discharge and settlement of all demands between the parties thereto in respect of the past voyage or engagement.

And to be evidence.

(3)—A copy of such release, certified under the hand of such Shipping Master to be a true copy, shall be given by him to any party thereto requiring the same, and such copy shall be receivable in evidence upon any future question touching such claims as aforesaid, and shall have all the effect of the original of which it purports to be a copy.

No other receipt to be a discharge.

(4)—In cases in which discharge and settlement before a Shipping Master are hereby required, no payment, receipt, settlement, or discharge otherwise made shall operate or be admitted as evidence of the release or satisfaction of any claim.

Voucher to be given to master and to be evidence.

(5)—Upon any payment being made by a master before a Shipping Master, the Shipping Master shall, if required, sign and give to such master a statement of the whole amount so paid, and such statement shall, as between the master and his employer, be received as evidence that he has made the payments therein mentioned.

(d)—Legal Rights to Wages.

Right to wages and provisions when to begin.

98. A seaman's right to wages and provisions shall be taken to commence either at the time at which he commences work, or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens.

Seamen not to give up certain rights.

99. No seaman shall by any agreement forfeit his lien upon the ship, or be deprived of any remedy for the recovery of his wages to which he would otherwise have been entitled; and every stipulation in any agreement inconsistent with any provision of this Act, and every stipulation by which any seaman consents to abandon his rights to wages in the case of the loss of the ship, or to abandon any right which he may have or obtain in the nature of salvage, shall be wholly inoperative.

Salvage services.

Nothing contained in the former part of this section shall apply to the case of any stipulation made by the seamen belonging to any ship, which, according to the terms of the agreement, is to be employed on salvage service, with respect to the remuneration to be paid to them for salvage services to be rendered by such ship to any other ship or ships.

Wages not to be dependent on the earning of freight.

100. No right to wages shall be dependent on the earning of freight. Every seaman and apprentice who would be entitled to demand and recover any wages, if the ship in which he has served had earned freight, shall, subject to all other rules of law and conditions applicable to the case, be entitled to claim and recover the same notwithstanding that freight has not been earned; but in all cases of wreck or loss of the ship, proof that he has not exerted himself to the utmost to save the ship, cargo and stores, shall bar his claim.

In case of death, such wages to be paid as after-mentioned.

101. If any seaman or apprentice to whom wages are due under the last preceding section dies before the same are paid, they shall be paid and applied in the manner hereinafter specified with regard to the wages of seamen who die during a voyage.

Rights to wages in case of termination of service by wreck or illness.

102. In cases where the service of any seamen terminates before the period contemplated in the agreement by reason of the wreck or loss of the ship, and also in cases where such service terminates before such period as aforesaid by reason of his being left on shore at any place abroad under a certificate of his unfitness or inability to proceed on the voyage granted under the provisions of the Merchant Shipping Act, 1854, such seaman shall be entitled to wages for the time of service prior to such termination as aforesaid, but not for any further period.

Wages not to accrue during refusal to work or imprisonment.

103. No seaman or apprentice shall be entitled to wages for any period during which he unlawfully refuses or neglects to work when required, whether before or after the

time fixed by the agreement for his beginning work; nor, unless the Court or Magistrate hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offence committed by him.

Period within which wages are to be paid.

104. The master or owner of every ship shall pay to every seaman his wages within three days after the cargo has been delivered, or within five days after the seaman's discharge, whichever first happens. The seaman shall, at the time of his discharge, be entitled to be paid on account a sum equal to one-fourth part of the balance due to him. Every master or owner who neglects or refuses to make payment in manner aforesaid without sufficient cause, shall pay to the seaman a sum not exceeding the amount of two days' pay for each of the days not exceeding ten days during which payment is delayed beyond the respective periods aforesaid, and such sum shall be recoverable as wages.

What sum in the current coin of India shall be recovered by seaman under an agreement expressing his wages, &c., to be payable in a foreign coin.

105. When any monies are payable in British India to any seaman or apprentice for wages, or otherwise under any agreement wherein such monies are expressed to be payable in some denomination of coin other than the current coin of the port or place wherein the same have become payable, the seaman or apprentice shall be entitled to demand and recover, in the current coin of such port or place, the amount due to him estimated according to the established par value of the coin wherein the same is so expressed to be payable.

(e)—Mode of recovering Wages.

Seaman may sue summarily before any Magistrate for wages not exceeding 500 Rupees.

106. Any seaman or apprentice, or any person duly authorized on his behalf, may sue, in a summary manner, before any Magistrate acting in or near to the place at which the service has terminated, or at which the seaman or apprentice has been discharged, or at which any person upon whom the claim is made is or resides, for any amount of wages due to such seaman or apprentice not exceeding five hundred Rupees. Every order made by such Magistrate in the matter, shall be final.

Order of Magistrate to be final.

Levy of wages by distress.

107. When an order for the payment of wages is made by a Magistrate under the last preceding section, and the wages are not paid at the time and in the manner prescribed, the sum mentioned in the order, with such further sum as may be thereby awarded for costs, shall be levied by distress and sale of the goods and chattels of the person directed to pay the same under a warrant to be issued for that purpose by the Magistrate.

No suit for wages under 500 Rupees to be instituted in Admiralty Court, &c., except in certain cases.

108. No suit or proceeding for the recovery of wages under the sum of five hundred Rupees shall be instituted by or on behalf of any seaman or apprentice in any Court of Admiralty or Vice-Admiralty, or in any Court of Civil Judicature other than the Court of Small Causes, where such Court exists, unless the owner of the ship is adjudged bankrupt or declared insolvent, or unless the ship is under arrest, or is sold by the authority of any such Court, or unless the Magistrate, acting under the authority of this Act, refers the case to be adjudged by such Court.

Master to have same remedies for wages as seamen.

109. Every master of a ship, whether British or foreign, shall, so far as the case permits, have the same rights, liens and remedies for the recovery of his wages (subject to all just deductions) which by this Act or by any law or custom any seaman, not being a master, has for the recovery of his wages; and if, in any proceeding in any Court of Admiralty or Vice-Admiralty touching the claim of a master to wages, any right of set-off or counter-claim is set up, it shall be lawful for such Court to enter into and adjudicate upon all questions, and to settle all accounts then arising or outstanding and unsettled between the parties to the proceeding, and to direct payment of any balance which is found to be due.

Explanation.—A master is entitled, under this section and section 104, to double pay for the number of days (not exceeding ten) during which the payment of his wages is improperly withheld; but he is not so entitled if he himself causes the delay by improperly keeping back the accounts of the ship.

PART IX.—*Of the Wages and Effects of deceased Seamen.*

Master to take charge of effects of deceased seamen.

110. Whenever a seaman or apprentice, on a voyage which is to terminate at any port in British India dies during such voyage, the master shall take charge of all money, clothes and effects which he leaves on board, and shall enter in the official log-book a statement of the amount of money, and a description of the effects left by the deceased, and in case of a sale of such effects, the sum received for each article sold.

Effects and wages to be paid to Shipping Master with full accounts.

111. The master shall, within forty-eight hours after his arrival at his port of destination in British India, deliver any such effects as aforesaid, and pay any money which he has taken charge of or received, and also the wages due to deceased, to the Shipping Master at such port, and shall give to such Shipping Master an account of the effects, money and wages so to be delivered and paid. No deductions claimed in such account shall be allowed unless verified, if there is an official log-book, by the entry therein hereinbefore required, and also by such other vouchers (if any) as may be reasonably required by the Shipping Master to whom the account is rendered.

Penalties for not taking charge of, or accounting for such monies and effects.

112. If the master fails to take such charge of the money or other effects of a seaman or apprentice dying during a voyage, or to make such entries in respect thereof, or to make such payment or delivery, or to give such account as hereinbefore

respectively directed, he shall be accountable for the money, wages and effects of the seaman or apprentice to the Shipping Master as aforesaid, and shall pay and deliver the same accordingly; and such master shall in addition incur a penalty not exceeding treble the value of the money or effects, or if such value is not ascertained, not exceeding five hundred Rupees. All money, wages and effects of any seaman or apprentice dying during a voyage shall be recoverable in the same Courts, and by the same modes of proceeding by which seamen are hereby enabled to recover wages due to them.

Wages and property of deceased seamen may be paid without probate.

113. When money or effects left by or due to any deceased seaman or apprentice, are paid or delivered to a Shipping Master, then, subject to such deductions for expenses incurred in respect of the seaman or apprentice, or of his said money and effects as the Shipping Master thinks proper to allow, the Shipping Master may pay and deliver the said money and effects to any claimants who can prove themselves to the satisfaction of the said Shipping Master to be entitled thereto, and the said Shipping Master shall be thereby discharged from all further liability in respect of the money and effects so paid and delivered; or if he think fit so to do, the Shipping Master may require probate or letters of administration or a certificate under Act No. XX of 1841 *(for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons)*, to be taken out, and thereupon pay and deliver the said money and effects to the legal representative of the deceased.

Disposal of wages or effects of deceased seamen, not claimed within one year.

114. In cases of wages or effects of deceased seamen or apprentices received by any Shipping Master to which no claim is substantiated within one year from the receipt thereof by such Shipping Master, it shall be the duty of the Shipping Master to cause such effects to be sold and to pay the proceeds of the sale and the unclaimed wages into the public Treasury.

If subsequent claim be made thereto.

If any subsequent claim is made to such money, and is established to the satisfaction of the Shipping Master, the amount or so much as shall appear to be due to the claimant, shall be paid out of the public Treasury. If the claim is not established to the satisfaction of the Shipping Master, the claimant may apply by petition in a summary way to the High Court of Judicature at Fort William, Madras or Bombay, as the case may be, and such Court, after taking evidence either orally or on affidavit, shall make such order on the petition as shall seem just: Provided that, after the expiration of six years from the receipt of such wages or effects by the Shipping Master, no such claim shall be entertained without the sanction of the Local Government.

Proviso.

PART X.—*Of the Provisions, Health, and Accommodation of Seamen.*

Survey of provisions and water on complaint made.

115. Any three or more of the crew of any ship registered at, trading with, or being at any port or place in British India, may complain to any Shipping Master or other Officer duly appointed in this behalf by the Local Government that the provisions or water for the use of the crew are at any time of bad quality, unfit for use, or deficient in quantity. Such Officer may thereupon examine the said provisions or water or cause them to be examined; and if, on examination, such provisions or water are found to be of bad quality and unfit for use, or to be deficient in quantity, the person making such examination shall signify the same in writing to the master of the ship. If such master does not thereupon provide other proper provisions or water in lieu of any so signified to be of a bad quality and unfit for use, or does not procure the requisite quantity of any so signified to be insufficient in quantity, or uses any provisions or water which have been so signified as aforesaid to be of a bad quality and unfit for use, he shall, in every such case, incur a penalty not exceeding two hundred Rupees. Upon every such examination as aforesaid, the Officers making or directing the same shall enter a statement of the result of the examination in the official log, and shall send a report thereof to the Shipping Master, and such report, if produced out of the custody of such Shipping Master, shall be received in evidence in any legal proceeding.

Forfeiture for frivolous complaint.

116. If the Officer to whom any such complaint as last aforesaid is made, certifies in such statement as aforesaid that there was no reasonable ground for such complaint, each of the parties so complaining shall be liable to forfeit to the owner out of his wages a sum not exceeding one week's wages.

Allowance for short or bad provisions.

117. In the following cases (that is to say),—

(1)—If during a voyage the allowance of any of the provisions which any seaman has by his agreement stipulated for, is reduced (except in accordance with any regulations for reduction by way of punishment contained in the agreement, and also except for any time during which such seaman wilfully and without sufficient cause refuses or neglects to perform his duty or is lawfully under confinement for misconduct, either on board or on shore):

(2)—If it is shown that any of such provisions are or have during the voyage been bad in quality and unfit for use.

The seaman shall receive by way of compensation for such reduction or bad quality, according to the time of its continuance, the following sums, to be paid to him in addition to and to be recoverable as wages (that is to say),—

(1)—If his allowance is reduced by any quantity not exceeding one-third of the quantity specified in the agreement, a sum not exceeding three annas in the case of a European seaman or other person shipped on the same footing as a European seaman, or one anna in the case of a lascar or Native seaman:

(2)—If his allowance is reduced by more than one-third of such quantity, six annas in the case of a European seaman or other person shipped on the same footing as a European seaman, or two annas in the case of a lascar or Native seaman:

(3)—In respect of such bad quality as aforesaid, a sum not exceeding eight annas in the case of a European seaman or other person shipped on the same footing as a European seaman, or three annas in the case of a lascar or Native seaman:

But if it is shown to the satisfaction of the Court or Magistrate trying the case, that any provisions, the allowance of which has been reduced, could not be procured, or supplied in proper quantities, and that proper and equivalent substitutes were supplied in lieu thereof, such Court or Magistrate shall take such circumstances into consideration, and shall modify or refuse compensation as the justice of the case may require.

Illustration.—Owing to the unexpected length of a voyage, the crew of a vessel are put on short allowance. They are entitled to compensation under this section.

Medicines, &c., to be provided and kept on board certain ships.

118. All foreign-going ships and all Home-trade ships of a burden exceeding three hundred tons, shall have always on board a sufficient supply of medicines and appliances, suitable for diseases and accidents likely to happen on sea-voyages, according to such scale as shall be from time to time issued by the Local Government with the approval of the Governor General of India in Council, and published at Calcutta, Madras, and Bombay in the *Gazettes*, and in default thereof, the owner or master of every such ship shall be liable to a penalty not exceeding two hundred Rupees: Provided, however, that this section shall not apply to ships navigating from the United Kingdom and coming within the provisions of Section 224 of the Merchant Shipping Act, 1854. Nothing herein contained shall interfere with a seaman's right to maintain a suit in respect of a special damage resulting to him from the breach of the duty imposed by this section.

Proviso.

Masters to keep weights and measures on board.

119. Every master shall keep on board proper weights and measures for the purposes of determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out such provisions and articles in the presence of a witness whenever any dispute arises about such quantities, and in default shall for every offence incur a penalty not exceeding one hundred Rupees.

Expense of medical attendance and subsistence in case of illness, how to be defrayed.

120. Whenever the master or any seaman of any ship registered at any place in British India shall receive any hurt or injury in the service of the vessel, the expense of providing the necessary surgical and medical advice and attendance with medicines, and of his subsistence, until he shall be cured or shall be brought back to the port from which he was shipped or other port agreed upon, shall be defrayed, with the cost of his conveyance to such port, by the owner of the vessel without any deduction on that account from the wages of such master, officer, or seaman; and if paid by himself may be recovered as part of his wages; and if paid or allowed out of any monies forming part of the revenues of British India, shall be a charge upon the ship, and may be recovered with full costs of suit by the Secretary of State in Council.

Place to be appropriated.

121. A place or places of shelter shall be provided below a well-caulked and substantial deck for the men engaged under this Act. Such place or places shall be so arranged as to allow for the men the following spaces:—

To European seamen.

(1)—For each European seaman or apprentice, or other person shipped on the same footing as an European seaman, nine superficial feet if the place be not less than six feet in height from deck to deck, or fifty-four cubic feet if the height from deck to deck be less than six feet:

To lascars or Native seamen.

(2)—For each lascar or Native seaman, or other person shipped on the same footing as a lascar, four superficial feet, and if the place allotted be under the top-gallant forecastle, such forecastle deck shall be not less than four feet six inches above the one below it.

Place to be kept clear.

Every such place shall be kept free from stores or goods of any kind, not being the personal property of the crew in use during the voyage.

Penalty if place be not properly constructed.

If any such place in any ship is not in the whole sufficiently large to give such space for each seaman and apprentice as hereinbefore required, or is not properly caulked and in all other respects securely and properly constructed and well ventilated, the owner shall, for every such failure to comply with the provisions of this section, incur a penalty not exceeding two hundred Rupees.

Penalty for not keeping space clear.

If any such space as aforesaid is not kept free from goods and stores as aforesaid, the master shall, for every such failure to comply with the provisions of this section, incur a penalty not exceeding one hundred Rupees.

Shipping Master, &c., may board any ship, and inspect provisions, &c.

122. The Shipping Master at any port in British India, by himself or his deputy, may enter at any time on board of any ship upon which seamen have been shipped at such port, and inspect the provisions and water provided for the use of the crew, and the medicines and appliances and the accommodation for seamen prescribed by this Act or by the Merchant Shipping Act, 1854. If on inspection the provisions or water are found to be of bad quality and unfit for use or to be deficient in quantity, the Shipping Master shall proceed as provided in Section 115, and the penalty prescribed in the said section shall be incurred by any default of the master of the ship in respect of such provisions or water.

Procedure if provisions, &c., are found to be of a bad quality.

PART XI.—*Of Complaints by Seamen.*

Seamen to be allowed to go ashore to make complaint to a Magistrate.

123. If any seaman or apprentice, whilst on board any ship, states to the master that he desires to make complaint to a Magistrate against the master or any of the crew, the said master shall, if the ship is then at a place where there is a Magistrate, so soon as the service

of the ship will permit, and if the ship is not then at such a place, so soon after her first arrival at such a place as the service of the ship will permit, allow such seaman to go ashore, or send him ashore in proper custody, so that he may be enabled to make such complaint, and shall in default incur a penalty not exceeding one hundred Rupees.

PART XII.—*Of Protection of Seamen from Imposition.*

Sale of and charge upon wages to be invalid.

124. No wages due are accruing to any seamen or apprentice shall be subject to attachment from any Court. Every payment of wages to a seaman shall be valid in law, notwithstanding any previous sale or assignment of such wages or of any incumbrance thereon. No assignment or sale of such wages, or of salvage made prior to the accruing thereof, shall bind the party making the same. No power of attorney or authority for the receipt of any such wages or salvage shall be irrevocable.

No debt exceeding three Rupees recoverable till end of voyage.

125. No debt exceeding in amount three Rupees incurred by any seaman after he has engaged to serve, shall be recoverable until the service agreed for is concluded.

Penalty for overcharges by lodging-house-keepers.

126. If any person demands or receives from any seaman or apprentice payment in respect of his board or lodging in the house of such person for a longer period than such seaman or apprentice has actually resided or bourded therein, he shall incur a penalty not exceeding one hundred Rupees.

Penalty for detaining seamen's effects.

127. If any person receives or takes into his possession or under his control any monies, documents, or effects of any seaman or apprentice, and does not return the same or pay the value thereof when required by such seaman or apprentice, subject to such deduction as may be justly due to him from such seaman or apprentice in respect of board or lodging or otherwise, or absconds therewith, he shall incur a penalty not exceeding one hundred Rupees. Any Magistrate may, besides inflicting such penalty by summary order, direct the amount or value of such monies, documents, or effects, subject to such deduction as aforesaid, to be forthwith paid to such seaman or apprentice.

Persons not to go on board before the final arrival of ship, without permission.

128. Every person who, not being in the service of Her Majesty, and not being duly authorized by law for the purpose, goes on board any ship about to arrive at the place of her destination before her actual arrival at the place of her discharge, without the permission of the master, shall, for every such offence, incur a penalty not exceeding two hundred Rupees. The master or person in charge of such ship may take any such person so going on board as aforesaid into custody, and deliver him up forthwith to any Police Officer, to be by him taken before a Magistrate to be dealt with according to the provisions of this Act.

Penalty for solicitations by lodging-house-keepers.

129. If, within twenty-four hours after the arrival of any ship at any port in British India, any person then being on board such ship solicits any seaman to become a lodger at the house of any person letting lodgings for hire, or takes out of such ship any effects of any seaman, except under his personal direction and with the permission of the master, he shall, for every such offence, incur a penalty not exceeding fifty Rupees.

PART XIII.—*Of Discipline.*

Penalty for misconduct endangering ship or life or limb.

130. Any master of, or any seaman or apprentice belonging to any ship registered at, trading with, or being at any port or place in British India, who by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, does any act tending to the immediate loss, destruction, or serious damage of such ship, or tending immediately to endanger the life or limb of any person belonging to or on board of such ship, or who by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board of such ship from immediate danger to life or limb, shall, for every such offence, be liable to imprisonment, with or without hard labour, for a term not exceeding two years.

Explanation.—To sustain a charge under this section, it is not necessary that the act done or omitted should be followed by actual loss, destruction, or damage of the ship.

Admiralty Court in British India may in certain cases remove master and appoint a new master.

131. Any Court having Admiralty jurisdiction in British India may, upon application by the owner of any ship being within the jurisdiction of such Court, or by the part owner or consignee, or by the agent of the owner, or by any certificated mate, or by one-third or more of the crew of such ship, and upon proof on oath to the satisfaction of such Court that the removal of the master of such ship is necessary, remove him accordingly; and may also, with the consent of the owner or his agent, or the consignee of the ship, or if there is no owner or agent of the owner or consignee of the ship within the jurisdiction of the Court, then without such consent, appoint a new master in his stead, and may also make such order and may require such security in respect of costs in the matter as it thinks fit.

Court authorized to make enquiry into charges against masters, mates, and engineers, and to report to Local Government.

132. Every Court having Admiralty jurisdiction in British India, and the principal Court of Ordinary Criminal Jurisdiction at every Port in British India where there is no Court having Admiralty jurisdiction, may, upon application by the Advocate General of the Presidency in which such Court is situate, or by any of the applicants mentioned in Section 131, investigate and try charges of incompetency or misconduct on the part of any master, mate, or engineer of any ship, who shall have obtained his certificate from the Board of

Trade, or from any Local Government, and make enquiry as to shipwreck or other casualties affecting ships, wherever such shipwreck or causalties may have occurred. If on such investigation it shall appear to any such Court as aforesaid that the loss or abandonment of, or any serious damage to, any ship, or loss of life, has been caused by the wrongful act or default of any such master, mate, or engineer, or that any such master, mate, or engineer has been guilty of any gross act of misconduct, drunkenness, or tyranny, such Court may suspend, for such period as it shall think fit, or may cancel such certificate, whether of competency or service, of such master, mate, or engineer, and the Court shall report the same to the Local Government within whose limits such Court is situated: Provided that no certificate shall be cancelled or suspended, unless a copy of the report, or a statement of the case upon which the investigation is made, shall have been furnished to the owner of the certificate before the commencement of the investigation: Provided also that the report of such Court is confirmed by the Local Government last aforesaid.

Proviso.

133. Every Court by which any investigation or trial is held under Section 132, shall, at the conclusion of the case, or as soon afterwards as possible, state in open Court the decision to which they may have come with respect to cancelling or suspending certificates, and shall, in cases where the certificate has been granted by the Board of Trade, send a full report upon the case with the evidence to the Board of Trade; and shall also, if they determine to cancel or suspend any such certificate, forward the same to the Board of Trade with their report. In cases where the certificate has been granted by any Local Government, the Court shall send a full report upon the case with the evidence to such Local Government; and shall also, if they determine to cancel or suspend any such certificate, forward the same with their report to the same Local Government.

Procedure of such Court.

134. If the Local Government, on the information of any Shipping Master, or on any other ground, has reason to believe that any master or mate who has obtained a certificate of competency or service from such Government, or from any other Local Government, is, from incompetency or misconduct, unfit to discharge his duties, it may direct any Board or Officer at or near to the place at which it may be convenient for the parties and witnesses to attend, to institute an investigation; and thereupon such Board or Officer shall conduct the investigation into such charge of incompetency or misconduct, and shall, on the conclusion of the investigation, make a report upon the case to the Local Government which ordered the investigation.

Local Government may direct investigation in cases of incompetency and misconduct.

135. For the purpose of any such enquiry under Section 132 or Section 134, the Court, Board, or Officer may summon the master, mate, or engineer, as the case may be, to appear, and shall give him full opportunity of making a defence, either in person or otherwise, and may summon and examine witnesses, and may make such order with respect to the costs of such investigation, and may require such security for costs, as such Court, Board, or Officer may deem just. Every order in respect of costs under this section may be enforced in like manner as a fine may be enforced by a Magistrate in the port where such investigation is held.

Powers of Court, &c., in making enquiry.

136. The Local Government may suspend or cancel the certificate (whether of competency or service) granted by such Local Government, or by any other Local Government, under Act No. I of 1859, or this Act, to any master or mate, in the following cases (that is to say),—

Local Government may cancel or suspend certificates in certain cases.

(1)—If upon any investigation conducted under the provisions of Sections 43, 44 and 45, it is reported that the loss or abandonment of, or serious damage to, any ship, or loss of life, has been caused by his wrongful act or default:

Loss, abandonment, or serious damage by default of master or mate.

(2)—If upon any investigation held under Section 134, the master or mate shall be reported to be incompetent, or to have been guilty of any gross act of misconduct, drunkenness, or tyranny:

Incompetency, gross misconduct, drunkenness, or tyranny of master or mate.

(3)—If upon any investigation held under the provisions of the Merchant Shipping Act, 1854, or the Merchant Shipping Amendment Act, 1862, or upon any investigation made by a Naval Court constituted as is provided by any law for the time being in force, or upon any investigation made by any Court or Tribunal authorized or hereafter to be authorized by the Legislative authority in any British possession to make enquiry into charges of incompetency or misconduct on the part of masters or mates of ships, or as to shipwreck or other casualties affecting ships, it is reported that the loss or abandonment of, or serious damage to, any ship, or loss of life, has been caused by his wrongful act or default; or that he has been guilty of any gross act of misconduct, drunkenness, or tyranny. Provided always that, in the case of any report by any such last-mentioned Court or Tribunal, the report shall have been confirmed by the Governor or person administering the Government of such possession:

Or after other investigations.

(4)—If he has been superseded by the order of any Admiralty Court, or of any Naval Court constituted as provided by the Merchant Shipping Act, 1854, or any other law for the time being in force:

Supersession.

(5)—If he is shewn to have been convicted of any offence.

Conviction of any offence.

137. Every master, mate, or engineer whose certificate is cancelled or suspended under the provisions of this Act, shall deliver it to the Shipping Master, or to such other person as the Court or the Local Government which cancelled or suspended the certificate shall direct, and in default shall, for each offence, incur a penalty not exceeding five hundred Rupees: Provided that if the Local Government which cancels or suspends a certificate

Master, mate, or engineer to deliver up his certificate. Penalty otherwise.

Report to other Local Governments.

of a master or mate, is not the Local Government that granted the same, the Local Government which so cancels or suspends the certificate shall report the proceedings, and the fact of cancelment or suspension, to the Local Government which granted such certificate: Provided also, that it shall be competent to any Local Government at any subsequent time to grant to any person whose certificate has been cancelled, a new certificate of the same or of any lower grade.

Saving of powers vested in certain Admiralty Courts.

138. Nothing contained in Sections 132 to 137 both inclusive, shall be held to affect the powers of removal vested by Section 240 of the Merchant Shipping Act of 1854, or Section 131 of this Act, in Courts having Admiralty jurisdiction in British India. The said powers may be exercised by the principal Court of Ordinary Criminal Jurisdiction at any port in British India where there is no Court having Admiralty jurisdiction, if the master or mate shall have received his certificate from any Local Government.

Same powers may be exercised by Chief Criminal Court in British Indian Port, where there is no Admiralty Court.

Offences of seamen and apprentices, and their punishments.

139. Whenever any seaman who has been lawfully engaged, or any apprentice to the sea-service, commits any of the following offences, he shall be liable to be punished summarily as follows (that is to say),—

Desertion.

(1)—For desertion he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour, and also to forfeit all or any part of the clothes and effects he leaves on board, and all or any part of the wages or emoluments which he has then earned; and also, if such desertion takes place at any port or place not in British India, at the discretion of the Court, to forfeit all or any part of the wages or emoluments he may earn in any other ship in which he may be employed until his next return to any port or place in British India, and to satisfy any excess of wages paid by the master or owner of the ship from which he deserts, to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him:

Explanation.—"Desertion," as here used, means abandoning the ship without the intention of returning, and without just cause:

Neglecting or refusing to join, or to go to sea; absence within twenty-four hours before sailing, and absence without leave.

(2)—For neglecting or refusing, without reasonable cause, to join his ship or to proceed to sea in his ship, or for absence without leave at any time within twenty-four hours of the ship's sailing from any port either at the commencement or during the progress of any voyage, or for absence at any time without leave and without sufficient reason from his ship or from his duty not amounting to desertion or not treated as such by the master, he shall be liable to imprisonment for any period not exceeding ten weeks, with or without hard labour, and also, at the discretion of the Court, to forfeit out of his wages a sum not exceeding the amount of two days' pay, and in addition for every twenty-four hours of absence, either a sum not exceeding six days' pay, or any expenses which have been properly incurred in h ring a substitute:

Quitting without leave before ship is secured.

(3)—For quitting the ship without leave after her arrival at her port of delivery and before she is placed in security, he shall be liable to forfeit out of his wages a sum not exceeding one month's pay:

Act of disobedience.

(4)—For wilful disobedience to any lawful command he shall be liable to imprisonment for any period not exceeding four weeks, with or without hard labour, and also, at the discretion of the Court, to forfeit out of his wages a sum not exceeding two days' pay:

Continued disobedience.

(5)—For continued wilful disobedience to lawful commands, or continued wilful neglect of duty, he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour, and also at the discretion of the Court, to forfeit for every twenty-four hours' continuance of such disobedience or neglect, either a sum not exceeding six days' pay, or any expenses which have been properly incurred in hiring a substitute:

Assault on Officers.

(6)—For assaulting any master or mate he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour:

Combining to disobey.

(7)—For combining with any other or others of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship, or the progress of the voyage, he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour:

Wilful damage and embezzlement.

(8)—For wilfully damaging the ship, or embezzling or wilfully damaging any of her stores or cargo, he shall be liable to forfeit out of his wages a sum equal in amount to the loss thereby sustained, and also, at the discretion of the Court, to imprisonment for any period not exceeding twelve weeks, with or without hard labour:

Act of smuggling, causing loss to owner.

(9)—For any act of smuggling of which he is convicted, and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay to such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage; and the whole or a proportionate part of his wages may be retained in satisfaction or on account of such liability, without prejudice to any further remedy.

Entry of offences to be made in official log, and to be read over, or a copy given to the offender: his reply, if any, to be also entered.

140. Upon the commission of any of the offences enumerated in the last preceding section, an entry thereof shall be made in the official log-book, and shall be signed by the master, and also by the mate or one of the crew; and the offender, if still in the ship, shall, before the next subsequent arrival of the ship at any port, or if she is at the time in port before her departure therefrom, either be furnished with a copy of such entry, or have the same read over distinctly and audibly to him, and may thereupon make such reply thereto as he thinks fit. A statement that a copy of the said entry has been so furnished, or that the same has been so read over as aforesaid, and the reply (if any) made by the offender, shall

likewise be entered and signed in manner aforesaid. In any subsequent legal proceeding, the entries hereinbefore required shall, if practicable, be produced or proved, and in default of such production or proof, the Court hearing the case may, at its discretion, refuse to receive evidence of the offence.

Seamen whom masters of ships are compelled to convey, and persons going to sea in ships without leave, to be subject to penalties for breach of discipline.

141. Every sea-faring person whom the master of any ship is, under the authority of this Act or any law, compelled to take on board and convey, and every person who goes to sea in any ship without the consent of the master or owner or other person entitled to give such consent, shall, so long as he remains in such ship, be subject to the same laws and regulations for preserving discipline, and to the same penalties and punishments for offences constituting or tending to a breach of discipline to which he would be subject if he were a member of the crew and had signed the agreement.

Master or owner may apprehend deserters without warrant.

142. Whenever, either at the commencement or during the progress of any voyage, any seaman or apprentice neglects or refuses to join, or deserts from or refuses to proceed to sea in any ship in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave, the master or any mate, or the owner, ship's husband, or consignee, may, with or without the assistance of Police Officers who are hereby directed to give the same if required, apprehend him without first procuring a warrant; and thereupon in any case, and shall, in case he so requires and it is practicable, convey him before some Court capable of taking cognizance of the matter, to be dealt with according to law; and may, for the purpose of conveying him before such Court, detain him in custody for a period not exceeding twenty-four hours or such shorter time as may be necessary; or may, if he does not so require, or if there is no such Court at or near the place, at once convey him on board. If any such apprehension appears to the Court before which the case is brought, to have been made on improper or on insufficient grounds, the master, mate, owner, ship's husband, or consignee, who makes the same or causes the same to be made, shall incur a penalty not exceeding two hundred Rupees; but such penalty, if inflicted, shall be a bar to any suit for false imprisonment in respect of such apprehension.

Deserters may be sent on board in lieu of being imprisoned.

143. Whenever any seaman or apprentice is brought before any Court on the ground of his having neglected or refused to join, or to proceed to sea in any ship in which he is engaged to serve, or of having deserted or otherwise absented himself therefrom without leave, such Court may, if the master or the owner or his agent so requires, instead of committing the offender to prison, cause him to be conveyed on board for the purpose of proceeding on the voyage, or deliver him to the master or any mate of the ship, or the owner or his agent, to be by them so conveyed, and may in such case order any costs and expenses properly incurred by or on behalf of the master or owner by reason of the offence, to be paid by the offender, and if necessary to be deducted from any wages which he has then earned, or which by virtue of his then existing engagement he may afterwards earn.

Seamen imprisoned for desertion or breach of discipline, may be sent on board before termination of sentence.

144. If any seaman or apprentice is imprisoned on the ground of his having neglected or refused to join, or to proceed to sea in any ship in which he is engaged to serve, or of having deserted or otherwise absented himself therefrom without leave, or of his having committed any other breach of discipline, and if during such imprisonment and before his engagement is at an end his services are required on board his ship, any Magistrate may, at the request of the master or of the owner or his agent, cause such seaman or apprentice to be conveyed on board his said ship for the purpose of proceeding on the voyage, or to be delivered to the master or any mate of the ship, or to the owner or his agent, to be by them so conveyed, notwithstanding that the termination of the period for which he was sentenced to imprisonment has not arrived.

Entries and certificates of desertion abroad to be copied, sent home, and admitted in evidence.

145. In all cases of desertion from any ship registered at a port or place in British India while such ship is at any place out of British India, the master shall produce the entry of such desertion in the official log-book to the person or persons required by the Merchant Shipping Act, 1854, to endorse on the agreement a certificate of such desertion. Such person or persons shall thereupon make and certify a copy of such entry and also a copy of the said certificate of desertion. The master shall forthwith transmit such copies to the Shipping Master at the port where such seaman was engaged, who shall, if required, cause the same to be produced in any legal proceeding. Such copies, if purporting to be so made and certified as aforesaid, shall in any legal proceeding relating to such desertion be received as evidence of the entries therein appearing.

Facilities for proving desertion so far as concerns forfeiture of wages.

146. Whenever a question arises whether the wages of any seaman or apprentice are forfeited for desertion, it shall be sufficient for the party insisting on the forfeiture to show that such seaman or apprentice was duly engaged in, or that he belonged to the ship from which he is alleged to have deserted, and that he quitted such ship before the completion of the voyage or engagement, or if such voyage was to terminate at any port or place in British India, and the ship has not returned, that he is absent from her, and that an entry of the desertion has been duly made in the official log-book. Thereupon the desertion shall, so far as relates to any forfeiture of wages or emoluments under the provisions hereinbefore contained, be deemed to be proved, unless the seaman or apprentice can produce a proper certificate of discharge, or can otherwise show to the satisfaction of the Court, that he had sufficient reasons for leaving his ship.

Explanation.—By desertion the wages for the whole voyage which was not completed at the time of the desertion are forfeited, but not the wages for any other completed voyage.

147. Whenever in any proceeding relating to seamen's wages it is shewn that any seaman or apprentice has in the course of the voyage been convicted of any offence by any competent tribunal and rightfully punished therefor by imprisonment or otherwise, the Court hearing the case may direct a part of the wages due to such seaman, not exceeding thirty Rupees, to be applied in reimbursing any costs properly incurred by the master in procuring such conviction and punishment.

Costs of procuring imprisonment may, to the extent of 30 Rupees, be deducted from wages.

148. Whenever any seaman contracts for wages by the voyage, or by the run, or by the share, and not by the month or other stated period of time, the amount of forfeiture to be incurred under this Act shall be taken to be an amount bearing the same proportion to the whole wages or share as the period hereinbefore mentioned in fixing the amount of such forfeiture (as the case may be) bears to the whole time spent in the voyage. If the whole time spent in the voyage does not exceed the period for which the pay is to be forfeited, the forfeiture shall extend to the whole wages or share.

Amount of forfeiture how to be ascertained when seamen contract for the voyage.

149. All clothes, effects, wages, and emoluments which, under the provisions hereinbefore contained, are forfeited for desertion, shall be applied in the first instance in or towards the reimbursement of the expenses occasioned by such desertion to the master or owner of the ship from which the desertion has taken place, and may, if earned subsequently to the desertion, be recovered by such master, or by the owner, or his agent, in the same manner as the deserter might have recovered the same if they had not been forfeited; and in any legal proceeding relating to such wages, the Court may order the same to be paid accordingly; and, subject to such reimbursement, the same shall be paid into the public Treasury and carried to the account of Government. In all other cases of forfeiture of wages under the provisions hereinbefore contained, the forfeiture shall, in the absence of any specific directions to the contrary, be for the benefit of the master or owner by whom the wages are payable.

Application of forfeitures.

150. Any question concerning the forfeiture of or deductions from the wages of any seaman or apprentice, may be determined in any proceeding lawfully instituted with respect to such wages, notwithstanding that the offence in respect of which such question arises, though hereby made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

Questions of forfeitures may be decided in suits for wages.

151. If any seaman, on or before being engaged, wilfully and fraudulently makes a false statement of the name of his last ship, or last alleged ship, or wilfully and fraudulently makes a false statement of his own name, he shall incur a penalty not exceeding fifty Rupees. Such penalty may be deducted from any wages he may earn by virtue of such engagement as aforesaid, and shall, subject to reimbursement of the loss and expenses (if any) occasioned by any previous desertion, be paid and applied in the same manner as other penalties payable under this Act.

Penalty for false statement as to last ship or name.

152. Whenever any seaman commits an act of misconduct for which his agreement imposes a fine, and which it is intended to punish by enforcing such fine, an entry thereof shall be made in the official log-book, and a copy of such entry shall be furnished or the same shall be read over to the offender, and an entry of such reading over, and of the reply (if any) made by the offender, shall be made in the manner and subject to the conditions hereinbefore specified who respect to the offences against discipline specified in and punishable under this Act. Such fine shall be deducted and paid over as follows (that is to say), if the offender is discharged at any port or place in British India, and the offence, and other entries in respect thereof as aforesaid, are proved, in the case of a foreign-going ship to the satisfaction of the Shipping Master before whom the offender is discharged, and in the case of a Home-trade ship to the satisfaction of the Shipping Master at or nearest to the place at which the crew is discharged, the master or owner shall deduct such fine from the wages of the offender and pay the same over to such Shipping Master. If before the final discharge of the crew in British India, any such offender as aforesaid enters into any of Her Majesty's ships, or is discharged at any place not in British India, and the offence and such entries as aforesaid are proved to the satisfaction of the Officer in command of the ship into which he so enters, or of the Consular Officer, Officer of Customs, or other person by whose sanction he is so discharged, the fine shall thereupon be deducted as aforesaid, and an entry of such deduction shall then be made in the official log-book (if any) and signed by such Officer or other person. On the return of the ship to British India, the master or owner shall pay over such fine, in the case of foreign-going ships to the Shipping Master before whom the crew is discharged, and in the case of Home-trade ships to the Shipping Master at or nearest to the place at which the crew is discharged. If any master or owner neglects or refuses to pay over any such fine in manner aforesaid, he shall, for each such offence, incur a penalty not exceeding six times the amount of the fine retained by him: Provided that no act of misconduct for which any such fine as aforesaid has been inflicted and paid, shall be otherwise punished under the provisions of this Act.

Fines to be deducted from wages, and paid to Shipping Master.

153. Every person who by any means whatever persuades or attempts to persuade any seaman or apprentice to neglect or refuse to join or proceed to sea in or to desert from his ship, or otherwise to absent himself from his duty, shall, for each such offence, in respect of each such seaman or apprentice, incur a penalty not exceeding one hundred Rupees. Every person who wilfully harbours or secretes any seaman or apprentice who has deserted from his ship, or who has wilfully neglected or refused to join or has deserted from his ship, knowing or having reason to believe such sea-

Penalty for enticing to desert and harbouring deserters.

man or apprentice to have so done, shall, for every such seaman or apprentice so harboured or secreted, incur a penalty not exceeding one hundred Rupees.

Penalty for obtaining passage surreptitiously.

154. Any person who secretes himself and goes to sea in any ship without the consent of either the owner, consignee, or master, or of a mate, or of any person in charge of such ship, or of any other person entitled to give such consent, shall incur a penalty not exceeding two hundred Rupees, or be liable to imprisonment, with or without hard labour, for any period not exceeding four weeks.

On change of masters, documents hereby required to be handed over to successor.

155. If during the progress of a voyage the master of any ship registered at any port or place in British India, is superseded, or for any other reason quits the ship and is succeeded in the command by some other person, he shall deliver to his successor the various documents relating to the navigation of the ship and to the crew thereof which are in his custody; and shall in default incur a penalty not exceeding one thousand Rupees. Such successor shall, immediately on assuming the command of the ship, enter in the official log a list of the documents so delivered to him.

PART XIV.—OF PASSENGERS BY SEA.

Chapter 1—Of Native Passengers between India and the Red Sea or Persian Gulf.

What shall be deemed a "Native Passenger Ship" within the meaning of Sections 156 to 174.

156. Every vessel carrying more than thirty passengers being Natives of Asia or Africa, which may depart or proceed on any voyage from a port or place within British India to any port or place in the Red Sea or Persian Gulf, or which may arrive at any port or place within British India from any port or place in the Red Sea or Persian Gulf, having on board more than thirty such passengers, shall be deemed a Native Passenger Ship within the meaning of this Chapter.

Native Passenger Ship to sail only from ports appointed by Local Government.

157. No Native Passenger Ship shall depart or proceed upon any voyage to which this Chapter extends from any port or place within British India other than such ports and places as the Local Government may from time to time appoint; and after any Native Passenger Ship has departed or proceeded upon any such voyage from a port or place so to be appointed, no person whatsoever shall be received on board as a passenger, except at some other duly appointed port or place.

Not to sail without obtaining a certificate.

158. No Native Passenger Ship shall depart or proceed upon any such voyage from any port or place appointed under this Chapter until the master shall have obtained a certificate from an Officer authorized to grant the same.

Penalty for breach of provisions in Sections 157, 158.

159. If any Native Passenger Ship departs or proceeds upon a voyage from any port or place within British India, or if any person is received as a passenger on board a Native Passenger Ship in contravention of the provisions of the last two preceding sections, the owner or master shall be liable to a penalty not exceeding one hundred Rupees for every passenger conveyed on a ship unlawfully departing or proceeding on such voyage, or for every passenger unlawfully received on board; and the ship, if found within two years in any place within British India, may be seized and detained by any Chief Officer of Customs until the penalties incurred under this Chapter have been adjudicated, and the payment thereof, with all costs, have been enforced under the provisions of Section 201.

Appointment of Officers.

160. The Local Government shall appoint such persons as it may deem proper to exercise and perform the powers and duties conferred and imposed by this Chapter.

Master to give notice of day of sailing, &c.

161. The master of any Native Passenger Ship sailing from any port or place appointed under Section 157, shall give notice to the proper Officer that the ship is to carry Native passengers, and of her destination, and of the proposed day of sailing. Such notice shall be given not less than three days before the proposed day of sailing.

Power to enter and inspect ship.

162. After receiving such notice, the Officer aforesaid, or any person authorized by him, shall be at liberty at all times to enter and inspect the ship and the fittings, provisions and stores therein. Any person impeding or refusing to allow such inspection, shall be liable, on conviction, to a penalty not exceeding five hundred Rupees for each offence.

Ship may be surveyed.

163. The Officer aforesaid may, if he think fit, cause the ship to be surveyed at the expense of the master by a competent surveyor, who shall report whether the ship is, in his opinion, sea-worthy and fit for her intended voyage.

Officer to be satisfied before giving certificate

164. The Officer aforesaid shall not give his certificate, unless he shall be satisfied—

That the ship is sea-worthy.

(1)—That the ship is sea-worthy and properly manned, equipped, fitted and ventilated; and has not on board any cargo likely, from its quality, quantity, or mode of stowage, to prejudice the health or safety of the passengers:

That the space between-decks for passengers is sufficient.

(2)—That the space appropriated to the passengers in the between-decks contains at the least nine superficial and fifty-four cubical feet of space for every adult passenger on board, that is to say, for every passenger above twelve years of age, and for every two passengers between the ages of one year and twelve years:

That the space on the upper deck is sufficient.

(3)—That a space of four superficial feet per adult is left clear on the upper deck for the use of the passengers:

That there is a due supply of provisions.

(4)—That provisions, fuel and water have been placed on board, of good quality, properly packed, and sufficient to supply the passengers on board during the declared duration of the intended voyage, according to the scale hereinafter contained.

Number of passengers.

165. No such ship shall carry any greater number of passengers than, together with the master and crew, shall amount to the proportion of two persons for every three tons of the registered or estimated tonnage of the ship.

List of passengers.

166. The master of any such ship, before departing or proceeding on any such voyage from any port or place within British India, shall sign two lists, specifying (as accurately as may be) the names of all the passengers, and stating the number of the crew; and shall deliver them to the Officer aforesaid, who shall thereupon (after having first mustered the passengers and compared the number and names of such passengers with the lists) countersign and return to the master one of such lists. The master shall note in writing on such last-mentioned list, and on any additional list to be made under Section 167, the date and supposed cause of death of any passenger who may die on the voyage, and shall forthwith, on the arrival of the ship at her destination or at any port in the said territories at which it may be proposed to land passengers, and before any passengers are landed, produce the list, with any additions thereto made, to any person lawfully exercising consular authority on behalf of Her Majesty at the port of arrival if it be a foreign port, or to the Chief Officer of Customs, or the Officer (if any) appointed under this Chapter at any port or place within British India at which it shall be intended to land the passengers or any of them. In case of non-compliance with any of the requirements of this section on the part of the master, or if any false entry be wilfully made in any such list, the master shall be liable to a penalty not exceeding five hundred Rupees for each offence.

Ship taking additional passengers and touching at intermediate port

167. If, after the ship shall have departed or proceeded on any such voyage, any additional passengers are taken on board at a port or place within British India appointed under this Chapter for the embarkation of passengers, or if such ship shall, upon her voyage, touch or arrive at any such port, having previously received on board additional passengers at any place out of British India, the master shall obtain a fresh certificate from the Officer at such port, and lists of all such additional passengers shall be made; and all the provisions hereinbefore contained in that behalf, shall be applicable to any certificate to be granted, or any list to be made under this section.

Penalty for fraudulent alteration in ship after certificate obtained.

XXI of 1858, Sec. 13.

168. If any master of a ship, after having obtained a certificate under Section 158 or Section 167, shall fraudulently do or suffer to be done any act or thing whereby such certificate shall become inapplicable to the altered state of the ship, its passengers, or other matters to which such certificate relates, he shall be liable to a penalty not exceeding two thousand Rupees.

Information to be transmitted to ports of embarkation.

169. The Chief Officer of Customs, or the Officer (if any) appointed under this Act, at any port or place within British India at which the ship shall touch or arrive, shall, with advertence to the requirements of this Chapter, transmit any particulars which he may deem important respecting the ship and the passengers conveyed therein, to the Officer at the port from which the ship commenced her voyage, and also to the Officer at any other port in British India where the passengers or any of them embarked.

Report of Consul, &c., to be admissible in evidence.

170. In any proceeding for the adjudication of any penalty incurred under this Chapter, any document purporting to be a report of such particulars as are referred to in the last preceding section, or a copy of the proceedings of any Court of Justice duly authenticated, and also any like document purporting to be made and signed by any person lawfully exercising Consular authority on behalf of Her Majesty in any foreign port, shall be received in evidence, if the same appears to have been officially transmitted to any Officer at or near the place where the proceeding under this Chapter is had.

Length of voyage to be fixed by proclamation.

171. It shall be lawful for the Local Government, by any proclamation to be from time to time issued for that purpose and published in the *Gazette* or in one of the public newspapers, to declare what shall be deemed, for the purposes of this Chapter, the duration of the voyage of any Native Passenger Ship from any port or place to any other port or place.

Quantity of provisions and water to be shipped.

172. Every Native Passenger Ship, at the time of departure from the port or place at which passengers shall be embarked under this Chapter shall have on board good and wholesome provisions for the use and consumption of the passengers, over and above the victualling of the crew, to the amount or in the proportion following, that is to say, a supply of water to the amount of five gallons to every week of the computed voyage for every passenger on board, such water being carried in tanks or sweet casks; and a supply of rice, flour, oatmeal, or bread-stuffs to the amount of seven pounds weight to every week of the computed voyage for every such passenger: Provided always that, when any such ship shall be destined to call at a port or place in the course of her voyage for the purpose of filling up her water-casks, a supply of water at the rate before mentioned for every week of an average voyage to such port or place of calling, shall be deemed to be a compliance with this Chapter. The provision of this section regarding food shall be deemed to have been complied with in any case where it shall appear that, by the special authority of the Local Government, any other articles of food were substituted for the articles above enumerated as being equivalent thereto.

Contract by passengers for supply of their own provisions.

173. The requirements of this Chapter respecting the supply of provisions for passengers, shall not, except as to the supply of water, be applicable to any passenger who may have contracted to furnish his own provisions.

Penalty on ships bringing excessive number of passengers from Red Sea or Persian Gulf to Indian ports.

174. If any ship bringing passengers from any port or place in the Red Sea or Persian Gulf to any port or place in British India, shall have on board a greater number of passengers or persons than in the proportion prescribed by this Chapter, the master of such ship

shall, in addition to any other penalty which he may have incurred under the provisions of this Chapter, be liable, on conviction, to a penalty not exceeding fifty Rupees for each person in excess of such proportion.

Secs. 156 to 174 not to apply to ships under contract with European States, or to mail steamers.

175. Nothing contained in Sections 156 to 174, both inclusive, shall apply to any ship under contract with the Government of any European State, or to any sea-going steam-vessel regularly employed in the conveyance of the public mails under a contract.

Chapter 2.—Of Native Passengers in the Bay of Bengal.

Number of Native passengers to be carried in unlicensed vessels.

176. No vessels shall carry Native passengers from any port or place under the Presidency of Fort St. George, or from Chittagong, or from any port in the Province of Orissa, to any port or place on the eastern coast of the Bay of Bengal, or in the Straits of Malacca, or in Ceylon; or from any port or place on the eastern coast of the Bay of Bengal, or in the Straits of Malacca, to any port or place under the Presidency of Fort St. George, or to Chittagong, or to any port in the Province of Orissa, in a proportion greater than one passenger to every four tons of the burden of such vessel, without a license.

Number of Native passengers to be carried in licensed vessels

177. No vessels shall be licensed to carry passengers on any such voyage as is specified in Section 176, in a proportion greater than one passenger to every ton of burden, nor unless the vessel has space on a deck or platform under hatches reserved for the accommodation of the passengers in the proportion of six superficial feet for every passenger, with not less than five feet clear between the upper deck and the lower deck or platform: Except a vessel proceeding in ballast from any part of the coast of the Gulf of Manaar or Palks' Strait to any port or place in Ceylon which may be licensed to carry a number of passengers not exceeding the proportion of two and a half to every ton of her burden, provided that the whole of the space usually allotted for cargo and not occupied by ballast, be kept for the accommodation of the passengers, and for storing the provisions and water for their use, and that the space left clear for the accommodation of the passengers on the deck or decks of the vessel be not less than four superficial feet for each passenger: And except a vessel carrying Native passengers between Chittagong and any port or place on the coast of Arracan which may be licensed to carry a number of passengers not exceeding the proportion of two and a half to every ton of her burden, subject to such regulations as the Government of Bengal may prescribe.

First exception.

Second exception.

Penalty on master of unlicensed vessel.

178. The master or tindal of any vessel which shall carry Native passengers on any such voyage as is specified in Section 176, without a license, in a proportion exceeding that laid down in Section 176, shall be liable to a fine not exceeding twenty Rupees for each passenger in excess of such proportion.

Penalty on master of licensed vessel.

179. The master or tindal of any licensed vessel which shall carry on any such voyage a greater number of passengers than is specified in the license, or in which the accommodation therein required shall not be afforded, shall be liable to a fine not exceeding twenty Rupees for each passenger in excess of such number, or for each passenger who is not provided with accommodation agreeably to the license.

Government to appoint ports for shipment of passengers when the number of passengers to be carried is greater than one to every four tons of burden

180. Passengers in a greater number than one passenger to every four tons of the burden of any vessel, shall not be shipped from the territories under the Government of Fort St. George or from the Province of Orissa, for Ceylon or the eastern coast of the Bay of Bengal, or the Straits of Malacca; or from the eastern coast of the Bay of Bengal or the Straits of Malacca, for the said territories or Province, or for Chittagong, except from such ports as shall be from time to time appointed by the Local Government by an order published in the *Gazette;* and the master or tindal of any vessel who shall take on board passengers for such voyage from any other port or place in a greater proportion to the burden of the vessel than is mentioned in Section 176, shall be liable to a fine not exceeding twenty Rupees for each passenger embarked.

Grant of licenses to vessels.

181. It shall be at the discretion of the Collectors of Sea Customs for the ports appointed for shipping Native passengers, or such other persons as the Local Government may from time to time appoint for the purpose, to grant licenses to vessels under this Chapter: Provided that such licenses shall not be granted, except for vessels within the exceptions in Section 177, till the vessels have been surveyed according to such directions as shall be given from time to time by the Local Government. The license shall describe the vessel, her tonnage, and rig; the number of her boats, anchors, and cables; and what instruments for the purpose of navigation she is supplied with; also the name of the owner and of the master or tindal, and the number and composition of the crew; and shall specify the number of passengers she may carry and the space to be assigned for their accommodation.

Certain licensed passenger vessels to carry provisions according to appointed scale.

182. The master or tindal of any vessel licensed to carry passengers from any port in the territories under the Government of Fort St. George, or from Chittagong, or from any port in the Province of Orissa, to any port or place on the eastern coast of the Bay of Bengal, or the Straits of Malacca; or from any port on the eastern coast of the Bay of Bengal, to any port or place in the territories under the Government of Fort St. George, or to Chittagong, or to any port in the Province of Orissa, which shall proceed on such voyage not being furnished with provisions and water according to such scale as shall be laid down from time to time by an order of the Local Government published in the *Gazette*, shall be liable to a fine not exceeding twenty Rupees for each passenger in excess of the number fully

supplied with provisions and water according to such scale.

Penalty for omitting to supply passengers with prescribed allowance of food and water.

183. The master or tindal of any vessel licensed to carry passengers as aforesaid, who shall wilfully and without satisfactory excuse omit to supply to every passenger the prescribed allowance of food and water, shall be liable for such omission to a fine which may extend to twenty Rupees for every passenger who has suffered privation thereby.

Supply of provisions on board passenger ships plying to and from Ceylon.

184. The master or tindal of any vessel licensed to carry passengers from any port under the Government of Fort St. George to Ceylon, or between Chittagong and any port or place on the coast of Arracan, who shall proceed on any such voyage without having laid in a supply of water and provisions for the passengers according to a scale to be fixed by the Collector of Sea Customs for such port, or such other person as the Local Government may from time to time appoint for the purpose, and to be hung up at the Custom House of the port, shall be liable to a fine not exceeding one hundred Rupees.

List of passengers to be signed by master.

185. The master or tindal of any vessel licensed to carry passengers as hereinbefore provided, shall sign and deliver in duplicate to the principal Officer of Customs at the place of embarkation, or such other person as the Local Government may from time to time appoint for the purpose, a list, according to the form in the third schedule to this Act, of all passengers to be conveyed in such vessel. Such Officer, after satisfying himself of the correctness of the same, and that the number of passengers authorized is not exceeded, shall countersign and return one such list to the master or tindal, to be produced to the proper Officer at the port to which the vessel is bound. Should any additional passengers engage to proceed by such vessel after such list has been so countersigned, the master or tindal may insert their names in the original list, obtaining the signature of the controlling Officer as before. The Officer in charge of the Customs may withhold the Port-Clearance till this rule is complied with.

Additional passengers.

Penalty for bringing Native passengers into any port on the eastern coast of the Bay of Bengal from any foreign European Settlement in excess of authorized proportion.

186. If any vessel bringing Native passengers into any port or place whatsoever on the eastern coast of the Bay of Bengal, from any foreign European Settlement situate on the line of coast within the limits of the Presidency of Fort St. George, shall have on board a greater number of passengers than in the proportion prescribed in Section 176, the master or tindal of such vessel shall be liable to a penalty of twenty Rupees for each passenger in excess of such proportion, unless the vessel shall have been licensed under Section 181, and shall have complied with the stipulations as regards space, water and provisions laid down in Section 177.

Penalty for impeding entry or inspection.

187. The principal Officer in charge of the Customs at the port of embarkation or of destination, or any person authorized by him, shall be at liberty at all times to enter and inspect any passenger-vessel to which the provisions of this Chapter apply, and the fittings, provisions and stores in such vessel; and whoever impedes such entry or inspection, or refuses to allow of the same, shall be liable to a fine not exceeding fifty Rupees.

Penalty on landing passenger at a place other than that at which he has contracted to land.

188. If any Native passenger in any ship upon any voyage under Chapters 1, 2 and 4 of this Part, shall be landed at any port or place other than the port or place at which he may have contracted to land, unless with his previous consent, or unless such landing is made necessary by perils of the sea or other unavoidable accident, the master shall, for each offence, be liable to a penalty not exceeding two hundred Rupees.

Passengers' right of action preserved.

189. Nothing in Chapters 1, 2 and 4 of this Part shall take away or abridge any right of action which may accrue to any Native passenger, or to any other person, in respect of the breach or non-performance of any contract made with the master or owner of the ship or his agent.

Chapter 3.—Of forwarding certain Passengers taken off a Ship or picked up at Sea.

Secs. 191, 192, 193 applicable to passengers upon certain voyages.

190. The provisions contained in Sections 191, 192, 193 apply to the carriage of passengers upon the following voyages :—

Voyages from the ports of Calcutta, Madras and Bombay, under Act No. XIII of 1864 (*to consolidate and amend the laws relating to the emigration of Native labourers*), to the Mauritius, Jamaica, British Guiana, Trinidad, Saint Lucia, and Grenada.

Voyages from ports in British India, under Part XIV, Chapter 1, to ports in the Red Sea or Persian Gulf.

Governors or Consuls may pay expenses of passengers taken off a passenger ship.

191. If the passengers on any such voyage as is specified in Section 190, shall be taken off from the ship carrying such passengers, or should be picked up at sea from any boat, raft or otherwise, it shall be lawful, if the port or place to which they shall be conveyed, shall be in any of Her Majesty's Colonial possessions, for the Governor of such Colony, or for any person authorized by him for the purpose, or if in any foreign country for Her Majesty's Consular Officers at such port or place therein, to defray all or any part of the expenses thereby incurred.

Governors or Consuls may send on passengers, if the master of the ship fail to do so.

192. If any passenger of any such passenger ship as aforesaid shall, without any neglect or default of his own, find himself within any colonial or foreign port or place other than that at which he may have contracted to land, it shall be lawful for the Governor of such Colony, or for any person authorized by him for the purpose, or for Her Majesty's Consular Officer at such foreign port or place as the case may be, to forward such passenger to his intended destination, unless the master of such ship shall, within forty-eight hours of the arrival of such passenger, give to the Governor or Consular Officer, as the case may be, a written undertaking to forward or carry on within six weeks thereafter such passenger to his original destination, and unless such master shall accordingly forward, or carry him on within that period.

Expenses incurred under the two preceding sections, to be a Crown debt.

193. All expenses incurred under the last two preceding sections, or either of them, by or by the authority of such Governor or Consular Officer, as aforesaid, including the cost of maintaining the passengers until forwarded to their destination, and of all necessary beddings, provisions and stores, shall become a debt to Her Majesty and Her Successors from the owner, charterer, and master of such ship, and shall be recoverable from them, or from any one or more of them, at the suit and for the use of Her Majesty, in like manner as in the case of other Crown debts; and a certificate purporting to be under the hand of any such Governor or Consular Officer (as the case may be) stating the total amount of such expenses, shall in any suit or other proceeding for the recovery of such debt be received in evidence without proof of the hand-writing, or of the official character of such Governor or Consular Officer, and shall be deemed sufficient evidence of the amount of such expenses, and that the same were duly incurred: Provided, nevertheless, that in no case shall any larger sum be recovered on account of such expenses than a sum equal to twice the total amount of passage money received by the owner, charterer, or master of such passenger ship or any of them, from or on account of the whole number of passengers who may have embarked in such ship; which total amount of passage money shall be proved by the defendant if he will have the advantage of this limitation of the debt: but if any such passengers are forwarded or conveyed to their intended destination under the provisions of the last preceding section, they shall not be entitled to the return of their passage money, or to any compensation for loss of passage.

Passengers forwarded by Governor, &c., not entitled to compensation.

Chapter 4.—Of Coasting Passenger Steamers.

Certificates to be furnished to coasting steam-vessels intended to carry passengers.

194. Steam-vessels which may be intended to carry passengers on coasting voyages from or to any port or place in British India, shall, before proceeding on such voyages, be furnished with certificates to be granted in the manner hereinafter provided.

Grant and contents of such certificates.

195. Every such certificate shall be granted at the discretion of an Officer authorized to grant the same by the Local Government, and shall remain in force for the period therein specified, unless sooner revoked. The Officer so authorized shall not grant such certificate, or suffer the same to remain in force, unless he is satisfied, by inspection or survey (to be made at least twice in each year at the expense of the master or owner, and upon payment of a fee not exceeding twenty Rupees), that such steam-vessel is sea-worthy and properly equipped with boats and otherwise, and that the engines and machinery are in a fit state to enable her to proceed on her voyage. The certificate shall state the limits (if any) within which the vessel is to ply, and the number of Native passengers which the vessel is permitted to carry; such number to be subject to such conditions and variations according to the time of year, the nature of the voyage, and the cargo carried, as the case requires.

Copy of certificate to be placed in conspicuous part of steamer.

196. The owner or master of any such steam-vessel shall put up in a conspicuous part of the ship, so as to be visible to persons on board the same, a copy of the said certificate, and shall cause it to be continued in such position so long as the certificate remains in force; and in default, such owner or master shall for each offence be liable to a fine not exceeding two hundred Rupees.

Penalty for excess of number specified in certificate.

197. If any such steam-vessel has on board thereof a number of passengers which, having regard to the time of the year and other circumstances, is greater than the number allowed by the certificate, the owner or master shall be liable to a fine not exceeding twenty Rupees for every passenger over and above the number allowed by the certificate.

Penalty for proceeding without certificate.

198. If any such steam-vessel shall proceed on any such voyage without such certificate as aforesaid, the owner or master shall be liable to a fine not exceeding five hundred Rupees.

Grant of certificate to be subject to control of Government.

199. In the grant or revocation of any certificate whatsoever under Chapters 1 and 4 of this Part, the Officer granting the same shall be subject to the control of the Local Government, or of any intermediate authority which that Government may appoint.

PART XV.—*Of Procedure.*

Depositions to be received in evidence when witnesses cannot be produced.

200. Whenever, in the course of any legal proceedings instituted at any port or place in British India before any Judge or Magistrate, or before any person authorized by law or by consent of parties to receive evidence, the testimony of any witness is required in relation to the subject matter of such proceeding, any deposition that such witness may have previously made in relation to the same subject matter before any Justice or Magistrate in Her Majesty's Dominions (including all parts of British India other than those

subject to the same Local Government as the port or place where such proceedings are instituted), or any British Consular Officer elsewhere, shall, if authenticated by the signature of the Justice, Magistrate, or Consular Officer, be admissible in evidence on due proof that such witness cannot be found within the jurisdiction of the Court in which such proceedings are instituted: Provided that, if the proceeding is criminal, such deposition shall not be admissible unless it was made in the presence of the person accused, and the fact that it was so made is certified by the Justice, Magistrate, or Consular Officer. It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition; and in any criminal proceeding, such certificate as aforesaid shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified.

Proviso.

201. All offences under this Act, made punishable by any penalty, may be prosecuted summarily before a Magistrate or any person exercising the powers of a Magistrate. The provisions of Act No. XIII of 1856, relating to the adjudication of fines and penalties, and the enforcing payment thereof, shall apply to penalties imposed under this Act in the towns of Calcutta, Madras and Bombay.

Adjudication of offences, and recovery of penalties.

202. In all cases where any Court or Magistrate has power to make an order directing payment to be made of any seaman's wages, penalties, or other sums of money, then if the party so directed to pay the same is the master or owner of a ship, and the same is not paid at the time and in manner prescribed in the order, the Court or Magistrate who made the order may, in addition to any other powers which such Court or Magistrate may have for the purpose of compelling payment, direct the amount remaining unpaid to be levied by distress and sale of the said ship, her tackle, furniture, and apparel.

Wages, penalties, &c., payable by master or owner, may be levied by distress of ship.

203. For the purpose of the adjudication of penalties under Chapters 1, 2 and 4 of Part XIV, any offence shall be deemed to have been committed within the limits of the jurisdiction of the Magistrate of the place where the offender is found.

Jurisdiction.

204. The penalties to which masters and owners of ships are liable by Chapters 1, 2 and 4 of Part XIV, shall be enforced only by information laid at the instance of the Officers appointed to grant certificates under this Act, or at any port or place where there is no such Officer, by the Chief Officer of Customs.

By whom proceedings for penalties under Chapters 1, 2 and 4 of Part XIV. to be instituted.

205. Any Magistrate imposing any penalties under Chapters 1, 2 and 4 of Part XIV, may, if he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which such penalty is imposed, or in or towards payment of the expenses of the proceedings.

Application of penalties.

FIRST SCHEDULE.

Number of Act.	Title of Act.
X of 1841 ...	An Act for prescribing the rules to be observed in order that ships or vessels belonging to ports within the territories under the Government of the East India Company, or belonging to Native Princes or States or their subjects, may become entitled to the privileges of British Ships under a proclamation of the Governor General of India in Council made in pursuance of the Statute 3rd and 4th Vic., Cap. 56.
XI of 1850 ...	An Act to amend Act X of 1841.
XXI of 1858 ...	An Act for the regulation of Native Passenger Ships and of steam-vessels intended to convey passengers on coasting voyages.
I of 1859 ...	An Act for the amendment of the law relating to Merchant Seamen.
XXV of 1859 ...	An Act to prevent the overcrowding of vessels carrying Native passengers in the Bay of Bengal.
II of 1860 ...	An Act to amend the law relating to the carriage of passengers by sea.
XV of 1863 ...	An Act to amend Act I of 1859 *(for the amendment of the law relating to Merchant Seamen)*.

SECOND SCHEDULE.

TABLE A. *(See Section 50.)*

Fees to be charged for matters transacted at Shipping Offices.

1. Engagement or discharge of crews—

	Rs.	A.	P.
In Ships under 100 Tons	3	0	0
From 100 to 200 „	7	0	0
200 to 300 „	10	0	0
300 to 400 „	12	8	0
400 to 500 „	15	0	0
500 to 600 „	17	8	0
600 to 700 „ .. .	20	0	0
700 to 800 „	22	8	0
800 to 900 „	25	0	0
900 to 1,000 „	27	8	0
above 1,000 „	30	0	0

and so on for ships of larger tonnage, adding for every 100 tons above one thousand, two Rupees and eight annas.

2. Engagement or discharge of seamen separately, one Rupee for each seaman.

TABLE B. *(See Section 51.)*

Sums to be deducted from wages by way of partial repayment of fees in Table A.

1. In respect of engagements and discharges of crews, upon each engagement and each discharge—

	Rs.	A.	P.
From wages of any mate, purser, engineer, surgeon, carpenter, or steward	0	12	0
From wages of all others, except apprentices	0	8	0
2. In respect of engagements and discharges of seamen separately, upon each engagement and each discharge ...	0	8	0

THIRD SCHEDULE.

(See Section 185.)

FORM.

1.	2.	3.	4.	5.	6.	7.
Name of vessel.	Name of master	Tons per register.	Port of embarkation.	Numbers and names of passengers.	Ports at which passengers have contracted to be landed.	Date of departure

(Signed)_____,

Master.

(Countersigned)_____,

Principal Officer of Customs.

NOTE.—In the case of vessels carrying passengers to Ceylon, or between Chittagong and any port or place on the coast of Arracan, it will be sufficient to insert the numbers, and not the names, of passengers in column 5.

STATEMENT OF OBJECTS AND REASONS.

Certain amendments of Act No. XV of 1863, the latest Indian Act relating to merchant seamen, having been suggested by the Bengal Government, it has been thought desirable, in giving effect to these suggestions, to take the opportunity of consolidating and amending the laws respecting merchant shipping, seamen and passengers by sea, instead of adding a ninth Act to the eight in which the law on these subjects is now comprised.

One of the suggested amendments consists in a provision enabling any Court having Admiralty jurisdiction in British India and the principal Court of Ordinary Criminal Jurisdiction at every British Indian port where there is no Admiralty Court, to investigate charges of incompetency or misconduct against masters, &c., whose certificates have been granted by any Local Government. As the law stands, such investigations can only be held by a Court when the certificate has been granted by the Board of Trade.

Section 6 of Act XV of 1863 empowers the Local Government to direct investigations into such charges. But such investigations can only be ordered by the Local Government of the place where the casualty which gave rise to the charge occurred, and the Local Government has no power to cancel certificates granted by the Board of Trade. The present Bill, if it become law, will enable the Court at any port of this country at which a ship may arrive, to enquire into the circumstances of a partial wreck which has occurred anywhere on the coasts of British India, and to cancel certificates whether granted by the Board of Trade or by any Local Government.

The Bill is divided into Parts with Titles. Part I contains the usual preliminary provisions. Part II relates to the registry of ships, and embodies the enactments of Acts No. X of 1841 and No. XI of 1850. To this have been added clauses corresponding with section 8 of the Evidence Act (No. XV of 1852), which relates to the admissibility of registers and certificates of registry, but only extends to the High Courts.

Part III relates to official logs, and corresponds with sections 103—110 of Act No. I of 1859 *(for the amendment of the law relating to merchant seamen)*.

Part IV relates to enquiries as to wrecks, and corresponds with sections 100—102 of Act I of 1859. These provisions have however, at the suggestion of the Bengal Government, been extended to the case of the wrecks of foreign vessels. A section corresponding with section 19 of Statute 18 and 19 Vic., cap. 91, has been added to the effect that, in case of the wreck of a foreign vessel, the consular officer of the country to which the ship may have belonged, shall be deemed to be the owner's agent.

Part V relates to Shipping Offices, and agrees with Act I of 1859, sections 2—8.

Part VI (as to the examination and certificates of masters and mates) corresponds with sections 9 to 16 of Act I of 1859, as limited by Act XV of 1863, section 2.

Part VII of the engagement of seamen, is Act I of 1859, sections 18—35.

Part VIII relates to the wages of seamen, and corresponds with Act I of 1859, sections 36—58. A few amendments have been made in this part suggested by section 18 of Statute 25 and 26 Vic., cap. 63, and by the decisions of the English Admiralty and other Courts, on the corresponding sections of the English Merchant Shipping Act of 1854.

Part IX relates to the wages and effects of deceased seamen, and corresponds to Act I of 1859, sections 59—63, the re-enactment of which will preclude all question as to the effect of the Indian Succession Act, 1865, upon the provisions last referred to.

Part X corresponding with sections 64—71 of Act I of 1859, contains clauses relating to the provisions, health and accommodation of seamen, and here again have been introduced explanations analogous to those contained in the Penal Code, and the Indian Succession Act, 1865, and embodying

certain decisions of the English Courts on the corresponding sections of the Merchant Shipping Act.

Part XI empowers seamen or apprentices to make complaints to a magistrate against the master or any of the crew, and is identical with Section 72 of Act I of 1859.

Part XII contains the provisions comprised in sections 73—78 of Act I of 1859, for the protection of seamen from imposition.

Part XIII, *of discipline*, contains with the improvements abovementioned, the provisions relating to charges against masters and mates comprised in sections 4—10 of Act XV of 1863, and also the enactments as to discipline contained in sections 79, 80, 83 to 99 of Act I of 1859.

In Part XIV are comprised the provisions contained in the three existing Acts, Nos. XXI of 1858, XXV of 1859, and II of 1860, relating to passengers by sea. The provisions as to coasting steamers made by sections 20—26 of Act XXI of 1858 are also embodied in this Part.

Part XV relates to procedure and the enforcement of penalties under the Bill, and corresponds with sections 112 and 113 of Act I of 1859, sections 30, 31 and 32 of Act XXI of 1858 and sections 16 and 17 of Act XXV of 1859.

As it is not probable that this Bill will become law before the time when the Straits Settlement will cease to form part of British India, all reference to that Settlement has been omitted.

SIMLA, *The 25th September* 1866. } H. S. MAINE.

WHITLEY STOKES,
Asstt. Secy. to the Govt. of India, Home Dept. (Legislative.)

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 12th October 1866, and is hereby promulgated for general information :—

ACT No. XXVI. OF 1866.

To legalize the rules made by the Chief Commissioner of Oudh for the better determination of certain claims of subordinate proprietors in that Province.

Preamble.

WHEREAS rules have been made by the Chief Commissioner of Oudh for the better determination of certain claims by persons possessed of subordinate rights of property in the territories subject to his administration; and whereas it is expedient that such rules should have the force of law; It is hereby enacted as follows :—

Rules as to sub-settlements contained in the schedule to have the force of law.

1. The rules for determining the conditions under which persons possessed of subordinate rights of property in Talookas in the territories subject to the administration of the Chief Commissioner of Oudh shall be entitled to obtain a sub-settlement of lands, villages, or sub-divisions thereof, which they held under Talookdars on or before the thirteenth day of February 1856, and for determining the amounts payable to the Talookdar by such subordinate proprietors, which rules were made by the said Chief Commissioner, sanctioned by the Governor General of India in Council, and published in the *Gazette of India* for September 1st, 1866, and which are re-published in the schedule to this Act, are hereby declared to have the force of law.

Repeal of inconsistent rules.

2. So much of any Act, Regulation or Rule, having the force of law which is in operation in the said territories as shall be inconsistent with or repugnant to the rules hereby legalized, shall cease to have effect in such territories.

Short title.

3. This Act may be called "the Oudh Sub-settlement Act, 1866."

SCHEDULE.

Rules regarding sub-settlements and other subordinate rights of property in Oudh.

1. The extension of the term of limitation for the hearing of claims to under-proprietary rights in land, makes of itself no alteration in the principles hitherto observed in the recognition of a right to sub-settlement.

2. When no rights are proved to have been exercised or enjoyed by an under-proprietor during the period of limitation, beyond the possession of certain lands as *saer* or *nankar*, no sub-settlement can be made; but the claimant will be entitled, in accordance with the rules contained in the Circular Orders which have hitherto been in force in Oudh upon this subject, to the recognition of a proprietary right in such land. To entitle a claimant to obtain a sub-settlement, he must show that he possesses an under-proprietary right in the lands of which the sub-settlement is claimed, and that such right has been kept alive, over the whole area claimed within the period of limitation. He must also show that he, either by himself or by some other person or persons from whom he has inherited, has, by virtue of his under-proprietary right, and not merely through privilege granted on account of service, or by favour of the Talookdar held such lands under contract (*pucka*), with some degree of continuousness, since the village came into the talooka.

3. The words "some degree of continuousness" will be interpreted as follows :—

If the village was included in the talooka before the 13th February 1836, the lease must have been held for not less than twelve years between that date and the annexation of the province. If the village was included in the talooka after the 13th February 1836, but before the 13th February 1844, the lease must have been held for not less than one year more than half the period between the time in which the village was so included and the annexation of the province. Further, the lease must, in all cases, have been held for not less than seven years during the term of limitation, unless the village was included for the first time in the talooka after the 13th February 1844, in which case the lease must have been held for not less

and so on for ships of larger tonnage, adding for every 100 tons above one thousand, two Rupees and eight annas.

2. Engagement or discharge of seamen separately, one Rupee for each seaman.

TABLE B. *(See Section 51.)*

Sums to be deducted from wages by way of partial repayment of fees in Table A.

1. In respect of engagements and discharges of crews, upon each engagement and each discharge—

	Rs.	A.	P.
From wages of any mate, purser, engineer, surgeon, carpenter, or steward	0	12	0
From wages of all others, except apprentices	0	8	0
2. In respect of engagements and discharges of seamen separately, upon each engagement and each discharge ...	0	8	0

THIRD SCHEDULE.

(See Section 185.)

FORM.

1.	2.	3.	4.	5.	6.	7.
Name of vessel.	Name of master	Tons per register.	Port of embarkation.	Numbers and names of passengers.	Ports at which passengers have contracted to be landed.	Date of departure.

(Signed) _____,
Master.

(Countersigned) _____,
Principal Officer of Customs.

NOTE.—In the case of vessels carrying passengers to Ceylon, or between Chittagong and any port or place on the coast of Arracan, it will be sufficient to insert the numbers, and not the names, of passengers in column 5.

STATEMENT OF OBJECTS AND REASONS.

Certain amendments of Act No. XV of 1863, the latest Indian Act relating to merchant seamen, having been suggested by the Bengal Government, it has been thought desirable, in giving effect to these suggestions, to take the opportunity of consolidating and amending the laws respecting merchant shipping, seamen and passengers by sea, instead of adding a ninth Act to the eight in which the law on these subjects is now comprised.

One of the suggested amendments consists in a provision enabling any Court having Admiralty jurisdiction in British India and the principal Court of Ordinary Criminal Jurisdiction at every British Indian port where there is no Admiralty Court, to investigate charges of incompetency or misconduct against masters, &c., whose certificates have been granted by any Local Government. As the law stands, such investigations can only be held by a Court when the certificate has been granted by the Board of Trade.

Section 6 of Act XV of 1863 empowers the Local Government to direct investigations into such charges. But such investigations can only be ordered by the Local Government of the place where the casualty which gave rise to the charge occurred, and the Local Government has no power to cancel certificates granted by the Board of Trade. The present Bill, if it become law, will enable the Court at any port of this country at which a ship may arrive, to enquire into the circumstances of a partial wreck which has occurred anywhere on the coasts of British India, and to cancel certificates whether granted by the Board of Trade or by any Local Government.

The Bill is divided into Parts with Titles. Part I contains the usual preliminary provisions. Part II relates to the registry of ships, and embodies the enactments of Acts No. X of 1841 and No. XI of 1850. To this have been added clauses corresponding with section 8 of the Evidence Act (No. XV of 1852), which relates to the admissibility of registers and certificates of registry, but only extends to the High Courts.

Part III relates to official logs, and corresponds with sections 103—110 of Act No. I of 1859 *(for the amendment of the law relating to merchant seamen)*.

Part IV relates to enquiries as to wrecks, and corresponds with sections 100—102 of Act I of 1859. These provisions have however, at the suggestion of the Bengal Government, been extended to the case of the wrecks of foreign vessels. A section corresponding with section 19 of Statute 18 and 19 Vic., cap. 91, has been added to the effect that, in case of the wreck of a foreign vessel, the consular officer of the country to which the ship may have belonged, shall be deemed to be the owner's agent.

Part V relates to Shipping Offices, and agrees with Act I of 1859, sections 2—8.

Part VI (as to the examination and certificates of masters and mates) corresponds with sections 9 to 16 of Act I of 1859, as limited by Act XV of 1863, section 2.

Part VII of the engagement of seamen, is Act I of 1859, sections 18—35.

Part VIII relates to the wages of seamen, and corresponds with Act I of 1859, sections 36—58. A few amendments have been made in this part suggested by section 18 of Statute 25 and 26 Vic., cap. 63, and by the decisions of the English Admiralty and other Courts, on the corresponding sections of the English Merchant Shipping Act of 1854.

Part IX relates to the wages and effects of deceased seamen, and corresponds to Act I of 1859, sections 59—63, the re-enactment of which will preclude all question as to the effect of the Indian Succession Act, 1865, upon the provisions last referred to.

Part X corresponding with sections 64—71 of Act I of 1859, contains clauses relating to the provisions, health and accommodation of seamen, and here again have been introduced explanations analogous to those contained in the Penal Code, and the Indian Succession Act, 1865, and embodying

certain decisions of the English Courts on the corresponding sections of the Merchant Shipping Act.

Part XI empowers seamen or apprentices to make complaints to a magistrate against the master or any of the crew, and is identical with Section 72 of Act I of 1859.

Part XII contains the provisions comprised in sections 73—78 of Act I of 1859, for the protection of seamen from imposition.

Part XIII, *of discipline*, contains with the improvements abovementioned, the provisions relating to charges against masters and mates comprised in sections 4—10 of Act XV of 1863, and also the enactments as to discipline contained in sections 79, 80, 83 to 99 of Act I of 1859.

In Part XIV are comprised the provisions contained in the three existing Acts, Nos. XXI of 1858, XXV of 1859, and II of 1860, relating to passengers by sea. The provisions as to coasting steamers made by sections 20—26 of Act XXI of 1858 are also embodied in this Part.

Part XV relates to procedure and the enforcement of penalties under the Bill, and corresponds with sections 112 and 113 of Act I of 1859, sections 30, 31 and 32 of Act XXI of 1858 and sections 16 and 17 of Act XXV of 1859.

As it is not probable that this Bill will become law before the time when the Straits Settlement will cease to form part of British India, all reference to that Settlement has been omitted.

SIMLA, *The 25th September* 1866. } H. S. MAINE.

WHITLEY STOKES,
Asstt. Secy. to the Govt. of India, Home Dept. (Legislative.)

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 12th October 1866, and is hereby promulgated for general information :—

ACT No. XXVI. OF 1866.

To legalize the rules made by the Chief Commissioner of Oudh for the better determination of certain claims of subordinate proprietors in that Province.

Preamble.

WHEREAS rules have been made by the Chief Commissioner of Oudh for the better determination of certain claims by persons possessed of subordinate rights of property in the territories subject to his government; and whereas it is expedient that such rules should have the force of law; It is hereby enacted as follows :—

Rules as to sub-settlements contained in the schedule to have the force of law.

1. The rules for determining the conditions under which persons possessed of subordinate rights of property in Talookas in the territories subject to the government of the Chief Commissioner of Oudh shall be entitled to obtain a sub-settlement of lands, villages, or sub-divisions thereof, which they held under Talookdars on or before the thirteenth day of February 1856, and for determining the amounts payable to the Talookdar by such subordinate proprietors, which rules were made by the said Chief Commissioner, sanctioned by the Governor General of India in Council, and published in the *Gazette of India* for September 1st, 1866, and which are re-published in the schedule to this Act, are hereby declared to have the force of law.

Repeal of inconsistent rules.

2. So much of any Act, Regulation or Rule, having the force of law which shall be in operation in the said territories as shall be inconsistent with or repugnant to the rules hereby legalized, shall cease to have effect in such territories.

Short title.

3. This Act may be called "the Oudh Sub-settlement Act, 1866."

SCHEDULE.

Rules regarding sub-settlements and other subordinate rights of property in Oudh.

1. The extension of the term of limitation for the hearing of claims to under-proprietary rights in land, makes of itself no alteration in the principles hitherto observed in the recognition of a right to sub-settlement.

2. When no rights are proved to have been exercised or enjoyed by an under-proprietor during the period of limitation, beyond the possession of certain lands as *seer* or *nankar*, no sub-settlement can be made; but the claimant will be entitled, in accordance with the rules contained in the Circular Orders which have hitherto been in force in Oudh upon this subject, to the recognition of a proprietary right in such land. To entitle a claimant to obtain a sub-settlement, he must show that he possesses an under-proprietary right in the lands of which the sub-settlement is claimed, and that such right has been kept alive, over the whole area claimed within the period of limitation. He must also show that he, either by himself or by some other person or persons from whom he has inherited, has, by virtue of his under-proprietary right, and not merely through privilege granted on account of service, or by favour of the Talookdar held such lands under contract (*pucka*), with some degree of continuousness, since the village came into the talooka.

3. The words "some degree of continuousness" will be interpreted as follows :—

If the village was included in the talooka before the 13th February 1836, the lease must have been held for not less than twelve years between that date and the annexation of the province. If the village was included in the talooka after the 13th February 1836, but before the 13th February 1844, the lease must have been held for not less than one year more than half the period between the time in which the village was so included and the annexation of the province. Further, the lease must, in all cases, have been held for not less than seven years during the term of limitation, unless the village was included for the first time in the talooka after the 13th February 1844, in which case the lease must have been held for not less

than one year more than half of the period between the time in which the village was so included and the annexation of the province. Provided, that if, for any reason, the Talookdar was, for any period, dispossessed of the village, and the under-proprietor was dispossessed from the lease during the same period, the term of such dispossession shall not be reckoned against the under-proprietor. Provided also, that nothing in this rule will apply to any village which was included for the first time in the talooka after the 13th February 1841, and in which the under-proprietor has held no lease for any period under the Talookdar.

4. If an under-proprietor, who is entitled to a sub-settlement, can show by documentary evidence that he had entered into an agreement with the Talookdar that he should hold, in perpetuity, the lease of the lands to the sub-settlement of which he is entitled, at a uniform *(istimraree)* rate of payment, and that such agreement has been acted on within the period of limitation, he will not be liable to payment at an increased rate during the currency of the present or revised settlement. If, in consequence of any future re-adjustment of the Government demand, the former proportion between the respective shares of the profits derived from the land by the under-proprietor and the Talookdar should be altered, the amount payable by the under-proprietor to the Talookdar will be liable to re-adjustment, so that the proportion between their respective shares of the profits may remain unaltered.

5. If an under-proprietor, entitled to sub-settlement, can show by documentary evidence that he had entered into an agreement with the Talookdar that he should hold the lease of the lands to the sub-settlement of which he is entitled, on payment of the Government demand imposed before the annexation of the province on such lands, with the addition only of certain dues to the Talookdar or other charges, and such agreement has been acted upon within the period of limitation, such under-proprietor will in future be liable only for the payment to the Talookdar of the Government demand for the time being, with the addition of 10 per cent. in lieu of Talookdaree dues and other charges.

6. If an under-proprietor, entitled to sub-settlement, has held the lease of the lands to the sub-settlement of which he is entitled, under an agreement that he shall pay to the Talookdar a certain share or proportion of the profits or produce of such lands, and such agreement has been acted upon within the term of limitation, the under-proprietor will in future continue to be liable for the payment to the Talookdar of such share or proportion.

7. In all cases in which an under-proprietor is entitled to a sub-settlement other than those described in Rules 4 to 6, the amount payable by the under-proprietor to the Talookdar will be determined according to the following principles:—

1st.—The payments made by the under-proprietor to the Talookdar before annexation, will form the standard by which the present payments are to be regulated.

2nd.—In no case can the amount payable by the under-proprietor to the Talookdar, during the currency of the settlement, exceed the gross rental of the village, less 10 per cent. in *seer* or *nankar* land.

3rd.—In no case can the amount payable during the currency of the settlement by the under-proprietor to the Talookdar, be less than the amount of the revised Government demand, with the addition of 10 per cent.

4th.—If the gross rental of the village before annexation and at the present time be approximately the same, the under-proprietor will pay to the Talookdar the same amount which he paid before annexation.

5th.—If the present gross rental of the village exceed or fall short of the former gross rental, the payment of the under-proprietor to the Talookdar will be adjusted according to the following rule, *viz.*, as the former gross rental is to the former payment of the under-proprietor, so is the present gross rental to the present payment of the under-proprietor.

6th.—In determining the amount payable by the under-proprietor to the Talookdar under the two last preceding rules, the former gross rental and the former payment of the under-proprietor will be held to be the average amount of the gross rental, and the average amount of the former payments of the under-proprietor for the 12 years preceding annexation, or for such portion of that time as the under-proprietor held a lease of the village from the Talookdar; or for such portion of that time as the necessary information may be obtained.

8. In any case in which the clear share of the profit to which the under-proprietor is entitled under the rules contained in the last preceding paragraph does not exceed 12 per cent. of the gross rental, no sub-settlement shall be made. In this case, the under-proprietor will retain all *seer* and *nankar* land to which his right is established. If the profits derived from such land be less than one-tenth of the whole rental of the land to the sub-settlement of which the right was established, the Talookdar shall increase the amount of such land so that the total profit to the under-proprietor shall not fall below one-tenth of the gross rental. The under-proprietor will possess, in the whole of such land, a transferable and heritable right of property.

9. In any case in which an under-proprietor is entitled to a sub-settlement under the preceding rules, and in which the share of the gross rental which such under-proprietor is entitled to receive exceeds 12 per cent., but falls short of 25 per cent., such share will be increased so that it shall not be less than 25 per cent. of the gross rental. The cost of such increase will be borne half by the Government and half by the Talookdar. In this case, the cesses on account of roads, schools, &c., amounting to 2½ per cent. on the Government demand, will be payable by the Talookdar, while the village expenses, including the allowances to the Putwaree and Chowkeedar, will be payable by the under-proprietor.

10. When a former proprietor, who is not entitled to a sub-settlement, has retained within the period of limitation, either by himself or by some other person or persons from whom he has inherited, possession of land which by virtue of his proprietary right he held as *seer* or *nankar* when he was in proprietary possession, he will be deemed in respect of such land to be an under-proprietor, and

will possess a heritable and transferable right of property therein, subject to the payment of such amount as may be due by him to the superior proprietor.

11. If, in any case, the founder of a *Poorwa* or hamlet, who is unable to establish a right to sub-settlement, can show that, in consideration of having founded such *Poorwa* or hamlet, he has held therein, within the period of limitation, possession of *seer* or *nankar* land, he will be recognised as an under-proprietor in such land, subject to the payment of such amount as may be due by him to the Talookdar. The amount of such payment will be determined according to the rules for determining the amount of the payments due by other under-proprietors on their *seer* or *nankar* lands.

12. Claims to proprietary and under-proprietary rights in jagheers will be treated according to the same rules which are applicable to similar claims in Talookas.

13. Cases in which claims to under-proprietary rights have been disposed of otherwise than in accordance with these rules will be open to revision, but this rule will not apply to cases disposed of by arbitration or by agreement of the parties.

SIMLA, *The 20th August* 1866. } J. STRACHEY, *Chief Commr. of Oudh.*

WHITLEY STOKES,
Asstt. Secy. to the Govt. of India, Home Dept. (Legislative).

HOME DEPARTMENT.

No. 5288.

Simla, the 10th October 1866.

Notifications.—The Right Hon'ble the Governor General in Council has learned with the deepest sorrow the death, through a calamitous accident, of the Right Reverend George Edward Lynch Cotton, Lord Bishop of Calcutta.

There is scarcely a member of the entire Christian community throughout India who will not feel the premature loss of this Prelate as a personal affliction. It has rarely been given to any body of Christians in any country to witness such depth of learning and variety of accomplishment, combined with piety so earnest and energy so untiring. His Excellency in Council does not hesitate to add the expression of his belief that large numbers, even among those of Her Majesty's subjects in India who did not share in the faith of the Bishop of Calcutta, had learned to appreciate his great knowledge, his sincerity and his charity, and will join in lamenting his death.

By Command of the Right Hon'ble the Governor General in Council.

No. 5341.

The 11th October 1866.

In consequence of the demise of the Right Reverend George Edward Lynch Cotton, the Right Hon'ble the Governor General in Council is pleased to direct that the following extract from the Letters Patent of the 10th May 1858, be published for general information:—

"AND WE further will that during a vacancy of the said See of Calcutta by the demise of the Bishop thereof for the time being or otherwise, the Episcopal jurisdiction and functions appertaining to the said See shall be exercised by such one of the suffragan Bishops of Madras and Bombay for the time being as shall have been first consecrated."

The said Episcopal jurisdiction and functions will accordingly be exercised by the Right Reverend the Lord Bishop of Bombay.

By Command of the Right Hon'ble the Governor General in Council.

No. 5149.

The 5th October 1866.

Captain T. E. Vandergucht, District Superintendent of Police, Nursingpore in the Central Provinces, has obtained privilege leave of absence for three months from the 1st of January 1867, or from such date as he may avail himself of the same.

No. 5151.

A supplementary Commission of the Peace was issued by the High Court of Judicature at Fort William in Bengal, on the 14th ultimo, directed to Mr. John Treacy, Assistant Commissioner, 1st Grade, in British Burmah.

No. 5204.

The 8th October 1866.

The services of Lieutenant B. Lovett, R. E., Assistant Engineer, 1st Grade, Punjab, are temporarily placed at the disposal of the Government of Bombay for employment on the Persian Telegraph.

No. 5207.

Appointment.—Mr. R. C. Laughlin to be an Assistant Superintendent of the 4th Grade in the Telegraph Department.

No. 5211.

Notifications.—Mr. H. W. Bowen, Assistant District Superintendent of Police, Oomrawuttee District, has obtained four months' leave of absence on medical certificate, from the date on which he may avail himself of the same.

No. 5217.

Sir George Couper, BART., C. B., of the Bengal Civil Service, has obtained leave of absence for fifteen months on medical certificate, with retrospective effect from the 11th of March last.

No. 5254.

The 9th October 1866.

Lieutenant J. P. Grant, Bombay Staff Corps, and Deputy Superintendent, Mysore Revenue Survey, has obtained privilege leave of absence for six weeks from the 15th August 1866, or from such date as he may avail himself of it.

No. 5279.

The 10th October 1866.

Mr. A. Swaine, Assistant Superintendent, 2nd Grade, in the Telegraph Department, has obtained one month's privilege leave of absence under paragraph 16 of the Uncovenanted Absentee Rules.

No. 5281.

Lieutenant C. H. A. Gower, R. A., Additional Assistant Commissioner of the 3rd Grade, British Burmah, is invested with the powers of a subordinate Magistrate of the 2nd Class, as described in Section 22 of Act XXV. of 1861.

No. 5352.

The 12th October 1866.

Privilege leave of absence is granted to the Hon'ble H. B. Riddell, Director General of the Post Office of India, for seven weeks, from the 15th instant.

Mr. A. M. Monteath, Under-Secretary in the Home Department, will officiate for Mr. Riddell as Director General of the Post Office of India.

No. 5354.

Mr. G. R. Elsmie, of the Civil Service, will officiate for Mr. Monteath as Under-Secretary in the Home Department, until further orders.

No. 5355.

The undermentioned specifications of inventions have been filed, under the provisions of Act XV. of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency to public inspection, upon payment of fee of one Rupee. A certified copy of any specification will be given to any person requiring the same, on payment of the expense of copying:—

No. 292.—Mr. Walter Raleigh Gilbert Hickey, Civil Engineer, Calcutta, for improvements in Railway Sleepers.

No. 304.—Captain Cowper Phipps Coles, of Ventnor in the Isle of Wight, Captain in the Royal Navy, for improvements in protecting the bottoms and sides of ships and other structures exposed to the action of water.

No. 307.—Mr. Eugène Pierre Barrabé, of Paris in the Empire of France, for improvements in apparatus applicable to the cleaning and decortication of corn and grains of all kinds.

No. 309.—Mr. Charles Thieme Liernur, Engineer of the Firm of Messrs. Liernur, Krepp and Company, American Engineers of Frankfort on the Maine in Germany, for a pneumatic method for the inoffensive removal of all fluids, solids, and gases from water-closets or privies and other conduits, and of storing said materials so that they may be applied in their natural unchanged form to agriculture and other branches of industry.

No. 5356.

Major J. A. Steel, Officiating Deputy Commissioner, Lucknow, received charge of the City Magistracy from Major A. E. Wilkinson on the afternoon of the 13th ultimo.

Mr. J. A. Dyson, Assistant Commissioner, relieved Major J. A. Steel of the duties of the City Magistrate, Lucknow, on the forenoon of the 27th idem.

No. 5358.

Buldeo Buksh is invested with the powers of a subordinate Magistrate of the 2nd Class, described in Section 22 of Act XXV. of 1861, to be exercised within the limits of Talooqua Akoree Hullalee in the Districts of Lucknow, Oonow, and Roy Bareilly.

Notification No. 5346, dated the 23rd of December last, and Notification No. 3051, dated the 28th of March last, are hereby cancelled.

E. C. BAYLEY,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

No. 1553.

GENERAL.

Simla, the 11th October 1866.

Notification.—Mr. L. Bowring, Commissioner of Mysore and Coorg, sailed for Europe on board the P. and O. Company's Steamer *Bengal* on the 14th ultimo.

No. 1560.

The 12th October 1866.

Leave.—Privilege leave for one month is granted to Mr. C. Chapman, Officiating Assistant Commissioner in Oudh.

W. MUIR,
Secy. to the Govt. of India.

FINANCIAL DEPARTMENT

No. 2625.

Simla, the 9th October 1866.

Notification.—The Governor General in Council is pleased to make the following appointments:—

Mr. A Grigor to be Controller of the Money Order Office, Calcutta.

Mr. J. G. Hewson to be Controller of the Money Order Office, Madras.

Mr. J. S. Maidment to officiate temporarily as Controller of the Money Order Office, Bombay.

E. H. LUSHINGTON,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 9th October 1866.

No. 848 *of* 1866.—The following paragraphs of a Military letter from the Right Hon'ble the Secretary of State for India, No. 168, dated 31st August 1866, are published for general information :—

Para. 2. I have to inform you that the following candidates having completed the course of instruction at Netley, and having been reported qualified, have been appointed Assistant Surgeons on the Bengal Establishment—their Commissions as such bearing date 31st March 1866, *viz.* :—

Griffith Griffith.
Lewis Cameron, M. D.
Daniel O'Connell Raye, M. D.
James Thomas Gage, M. D.
William Pleace Warburton, M. B.
Edward Alfred Birch.
Dean Philip Palmer, M. D.
Denis Francis Keegan, M. D.
William Walker Galloway, M. B.
Lewis Edward Eades.
Stephen Coull Mackenzie, M. D.

3. They have received instructions to embark for Calcutta before the 6th of October next, with the exception of Assistant Surgeon Warburton, who has been allowed to defer his departure till the 6th of November.

4. They will be entitled to reckon as service for full-pay pension, the period of their residence at Netley from the 31st March to the 4th August 1866 inclusive.

No. 849 *of* 1866.—The appointment of Inspecting Veterinary Surgeons having been sanctioned in G. G. O. Nos. 634 and 635 of 20th July 1866, the Governor General in Council is pleased to notify that the two Inspecting Veterinary Surgeons in the Bengal Presidency, are authorized to exercise a general superintendence over the whole Department, in accordance with the following Rules :—

2. These Officers will be required to make tours of inspection of the horses of every Troop and Battery of Artillery and Regiment of British Cavalry, at least once a year, within their separate circles of inspection; the limits of which will be indicated by His Excellency the Commander-in-Chief, for the purpose of enquiring into the general state of the horses, their dieting, shoeing, and the stable management.

3. It will also be their duty specially to examine and report upon all remounts received during the year, and all horses proposed to be cast in the regular branches.

4. In the course of their tours of inspection, these Officers will submit reports to the Adjutant General, noting any irregularities they may notice, their observations on the state of the Veterinary Establishments, on the general appearance and condition of all the horses in the service, and on the discretion with which the duty of casting is conducted.

5. Under the orders of the Commander-in-Chief, the Inspecting Veterinary Surgeons will inspect the horses of the Bengal Cavalry Regiments whenever this can be effected without additional travelling. The Commanding Officers of Bengal Cavalry Regiments will afford assistance to the Inspecting Veterinary Surgeons in carrying out this duty, and will further invite their counsel with regard to the breeds of horses, improvement of management, shoeing, &c., &c., in short, in all particulars by which the interests of the sowars may be forwarded for the better preservation of their horses, and therefore the efficiency of the Bengal Cavalry.

6. The Officers during their tours will also, when practicable without additional travelling, examine all Government stations in their circles which may be unconnected with the Stud Department, forwarding to the Local Governments a report of the state and condition of each, specifying any points which, according to their judgment, require notice.

7. Veterinary Surgeons in charge of Troops, Batteries, and Corps, are placed under the direction of the Inspecting Veterinary Surgeons. They are responsible for having all such directions as the Principal Veterinary Surgeon may issue from time to time, most strictly carried out, such directions having first received the sanction of the Commander-in-Chief. It will be their particular duty to make such inspections of the horses under their charge, as will enable them to recommend the adoption of measures by which the maintenance of health and condition, and the prevention of disease will be secured.

8. The instructions contained in the Queen's Regulations, pages 294, 387, 395 and 396, regarding Veterinary Surgeons, and the Veterinary Department, are to be most strictly attended to as far as local circumstances will allow, and in accordance with any special directions connected therewith, which may be received from the Inspecting Veterinary Surgeons.

9. All Veterinary Surgeons are to bear in mind that, in connection with the prevention of disease, a careful inspection daily, of the forage, grooming and shoeing of the horses, is essentially necessary.

10. Improper diet, bad grooming, and careless shoeing, are the most frequent causes of all diseases to which the horse is liable.

11. Whenever a Veterinary Surgeon deems it necessary to recommend any sudden change in the management or feeding of horses, a copy of his letter to the local military authorities on the subject, is to be at the same time forwarded to the Inspecting Veterinary Surgeon.

12. Veterinary Surgeons will be most particular in affording instruction to all Farriers under their control, with a view to their becoming intelligent and practical men, and valuable veterinary assistants. The instruction to consist of lectures, demonstrations, dissections, &c., regarding which a record containing the heads of the subjects and dates when considered, is to be kept.

13. Veterinary medicines, instruments and surgical means are to be drawn by Indents upon the Medical Stores of the Circle, in accordance with the Bengal Medical Regulations; and the periodical Returns of these articles will be furnished

by Veterinary Surgeons or Military Officers in charge of such Stores, to the Inspecting Veterinary Surgeons, at the periods and in the forms which will be laid down under the orders of the Commander-in-Chief.

14. The following books are to be kept by Veterinary Surgeons, and Government sanction their provision on Indent upon the Superintendent of the Military Orphan Press, to be furnished through the Inspecting Veterinary Surgeons and charged for in a contingent bill:—

Register of sick and lame horses.
Record of treatment.
Guard Book.
Letter Book.

15. It must be understood that all reports on the Veterinary Department for the information of the Commander-in-Chief, are to be submitted to the Adjutant General, Head Quarters, through the Principal Veterinary Surgeon.

The 10th October 1866.

No. 850 *of* 1866.—The undermentioned Officers and Warrant Officers have reported their return from England:—

	Date of arrival at Fort William.
Major J. R. A. S. Lowe, of the Bengal Staff Corps, Deputy Assistant Commissary General	25th September 1866.
Major H. Mills, of the Bengal Staff Corps, Sub-Assistant Commissary General .	
Lieutenant (Brevet Captain) H. DeBrett, of the late 57th Regiment, Native Infantry, Adjutant, 3rd Regiment, Native Infantry	
Lieutenant W. M. Story, of the General List, Infantry, 1st Doing-duty Officer, 43rd (Assam) Regiment, Light Infantry	
Lieutenant J. M. Trotter, of the General List, Infantry, 1st Doing-duty Officer, 24th (Punjab) Regiment, Native Infantry	25th September 1866.
Conductor J. Wilks, of the Army Commissariat Department	
Conductor A. Simmons, of the Army Commissariat Department	
Apothecary J. Richmond, of the subordinate Medical Department	4th October 1866.

No. 851 *of* 1866.—The undermentioned Non-Commissioned Officer is admitted to pension, as specified opposite to his name:—

Sergeant Richard Sharpe, of the Commissariat Department.	Rupees 30 per mensem, payable in India.

No. 852 *of* 1866.—With reference to G. G. O. No. 165 of the 2nd March 1863, the name of the undermentioned Officer who retired from the service under the Annuity Scheme of 1861, is removed from the list of regimental Lieutenant-Colonels:—

Rank and Name.	Remarks.
Lieutenant-Colonel (Major General, Retired List) Arthur Sanders	By the death of Colonel (Lieutenant-General) A. F. Richmond, C. B., Bengal Infantry.

No. 853 *of* 1866.—The undermentioned Officer of the Medical Department having completed twelve years' service, is promoted to the rank of Surgeon, from the date specified, under the provisions of G. G. O. No. 1060 of the 23rd December 1861, subject to Her Majesty's approval:—

Assistant Surgeon Robert Pringle, M. D... ..	4th October 1866.

No. 854 *of* 1866.—The following promotion is made, subject to Her Majesty's approval:—

Corps.	Rank and Name.	To what rank promoted.	From what date.	In whose room.
Cadre of the late 5th European Regiment ...	Lieutenant (Brevet Captain) Lawrence Henry Williams	Captain	25th Sept. 1866	Captain (Major in Staff Corps) C. S. W. Ogilvie, deceased.

No. 855 *of* 1866.—The undermentioned Officer is permitted to proceed to Europe on urgent private affairs:—

Lieutenant-Colonel Charles Holroyd, of the Bengal Staff Corps	For six months, without pay.

No. 856 *of* 1866.—The undermentioned Officers have reported their departure on the dates specified opposite to their names:—

Major C. F. Browne, of the Bengal Staff Corps, G. G. O. No. 815 of 1866	*Mongolia*, 24th September 1866.

Lieutenant J. G. Barlow, of the late 54th Regiment, Native Infantry, G. G. O. No. 801 of 1866 . .	*Centaur*, 23rd September 1866.

The 11th October 1866.

No. 857 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following appointment:—

PUNJAB FRONTIER FORCE.

2nd Regiment of Infantry:

Ensign A. Gaselee, of Her Majesty's 93rd (Sutherland Highlanders), a candidate for the Staff Corps, to be 2nd Wing Subaltern on probation.

No. 858 *of* 1866.—The undermentioned Warrant Officers of the Army Commissariat Department, are confirmed in the grades in which they are at present acting:—

Conductor Horatio Boardman Steward, as Deputy Assistant Commissary	From 16th August 1866, *vice* Lieutenant A. B. Fox, Deputy Assistant Commissary, retired.
Sub-Conductor Patrick Carr, as Conductor	
Sergeant James Smithwick, as Sub-Conductor	
Sub-Conductor John Henry Sharpe, as Conductor	From 30th August 1866, *vice* Conductor James Duncan, deceased
Sergeant Samuel Jackson, as Sub-Conductor	

No. 859 *of* 1866.—His Excellency the Governor General in Council is pleased to lay down the following revised rules regarding rent of public quarters, which will have effect from the 1st January 1867:—

1. No deduction will be made from the pay and allowances of any Officers supplied with public quarters who have heretofore, under proper authority, been so provided free of charge.

2. When public quarters are provided for Commissioned Officers not entitled to free quarters, rent will be charged by the Public Works Department, and will be paid to the credit of that Department. No other deduction will be made from pay and allowances on this account.

3. The rent will be assessed on the principles laid down in paragraphs 11, 12 and 13, Chapter XI. of the Code of Regulations for the Public Works Department of 1866, by the Executive Engineer on the Return which will be furnished to him by the Barrack Master, as regards Officers' quarters and other regimental buildings under his charge. In all other cases, the Executive Engineer must arrange for the recovery of the proper amount of rents.

4. Having determined the amount of rent to be charged, the Executive Engineer will furnish to the Regimental or Circle Pay Master a monthly Statement countersigned by the Commanding Officer, or head of the Department concerned, shewing the amount to be recovered from each Officer.

5. In the event of the rent fixed by the Executive Engineer being objected to by the occupant as too high, an appeal may be made through Commanding Officers, or local heads of Departments, to the Executive Engineer, and, with the approval of the Officer Commanding the Station, a final reference may be made to a Station Committee, of which the Executive Engineer shall be a Member.

6. The rent fixed for Commissioned or Warrant Officers' quarters shall in no case exceed the amount laid down in the scale entered in this General Order, or such other scale as may be hereafter substituted for it.

7. The rent of quarters provided for the Officers of a British Regiment will be recovered by the Regimental Pay Master, and the amount transmitted by a Remittance Transfer Receipt to the Executive Engineer.

8. The rent of quarters occupied by Staff and other Officers who are not paid through Regimental Pay Masters, will, when it is not more convenient to the Executive Engineer to receive the amount immediately from the Officer concerned, be recovered by Circle Pay Masters, and transmitted in like manner by a Remittance Transfer Receipt direct to the Executive Engineer.

9. The authorized scale of quarters for Commissioned Officers is prescribed in the Public Works Department Code, Chapter IX., and the monthly rent chargeable for such quarters, when the full accommodation is provided, will, for the present, be as follows:—

	Rupees.
Colonel or Lieutenant-Colonel	100.
Major	80.
Captain	50.
Lieutenant	30.
Ensign	25.

10. Medical Officers according to their relative rank.

11. If, owing to quarters suitable to his rank not being available, an Officer is provided with quarters inferior to those authorized for his grade, he will only be charged according to the scale of quarters he actually occupies. If, on the same grounds of suitable quarters not being available, he is provided with the quarters of a superior grade, he will only be charged rent according to the scale laid down for his rank. But if, at his own request, he is provided with quarters superior to those allotted to his rank, he will be charged the prescribed rent for such superior quarters.

12. When only one set of quarters can be allotted to two or more Officers, the rent to be charged to each will only be a due proportion of the amount fixed as the rent of such quarters.

13. When superior quarters to those laid down for a Colonel and Lieutenant-Colonel are provided for a General Officer not entitled to free quarters, he will be liable to be charged a proportionably increased rate to be determined in the manner prescribed in paragraphs 3 and 5.

14. When bungalows or quarters are on any emergency rented by the Public Works Department, the absolute amount of rent is to be charged to the Officers occupying these quarters, provided the charge to any Officer does not exceed

G. G. O No. 331 of 3rd August 1858.

the full amount of rent fixed for his rank (see paragraph 9).

15. In the event of quarters becoming available for any Officer who is bound to occupy public quarters, or who may have applied for them, but who has been obliged for a time to occupy private lodgings in consequence of no public quarters being available for him, due notice shall be given to him by the Barrack Master, and rent shall be claimable for the quarters after three months from the date of the receipt of the notice from the Barrack Master, whether the quarters be occupied or not, or from the date of actual occupation if that event occurs first.

16. When, in the absence of all other quarters, accommodation is provided for Officers entitled to public quarters in vacant Regimental Barracks, on which no public money has been spent to fit them for Officers, no charge will be made.

17. It will rest with the Executive Engineer to see that no Officer, if not entitled to free quarters, is allowed to occupy any public buildings without charge, when suitable quarters liable to rent can be supplied to him.

18. When Forts are garrisoned by Detachments relieved at short periods, the Officers attached to them are exempted from the payment of rent for the public quarters they occupy during their tour of duty.

19. Warrant Officers provided with public quarters will, in like manner, be exempted from any deduction from their pay and allowances, except the prescribed scale of rent fixed for their several grades.

20. The charge to Warrant Officers for public quarters will be—

	Rs.	*As.*	*P.*
Deputy Commissary	50*	0	0
Assistant Commissary	30	0	0
Deputy Assistant Commissary .. / Senior Apothecaries .	25	0	0
Conductors, Apothecaries .	12	0	0
Stewards	10	0	0
Sub-Conductors .	7	8	0
Assistant Apothecaries	5	8	0
Hospital Apprentice	3	0	0

21. Trained School Masters and Non-Commissioned Officers and Soldiers attached to Native Corps and Departments are not allowed tentage or house-rent when provided with quarters by the Public Works Department, and no charge is made on their account; but if provided with quarters of a decidedly inferior description, they will be entitled, as compensation, to the difference between the amount of rent fixed for each class, and the value of the quarters assigned to them—the amount of compensation to be determined as in the case of Commissioned Officers.

22. This clause is also applicable to School Mistresses who have been placed in such respects on the footing of 3rd Class School Masters.

* When quarters on the scale allowed to Captains are provided for them.

The 12th October 1866.

No. 860 of 1866.—The following extracts from the London *Gazette* of the 21st and 24th August 1866, pages 4643 and 4690, respectively, are published for general information:—

The undermentioned promotions to take place in Her Majesty's Indian Military Forces, consequent on the death of—

General George Jackson, Madras Infantry, on the 26th May 1866;

General Thomas Henry Paul, Bengal Infantry, on the 11th June 1866;

General Samuel Swinhoe, Bengal Infantry, on the 18th June 1866; and

General Charles William Hamilton, Bengal Infantry, on the 22nd July 1866.

To be Generals.

Lieutenant-General John Morgan, C. B., Madras Infantry. Dated 27th May 1866.

Lieutenant-General Charles Arthur Grenads Wallington, Bengal Infantry. Dated 12th June 1866.

Lieutenant-General Thomas Oliver, Bengal Infantry. Dated 19th June 1866.

Lieutenant-General Henry Hall, C. B., Bengal Infantry. Dated 23rd July 1866.

To be Lieutenant-Generals.

Major-General Francis Straton, Madras Cavalry. Dated 27th May 1866.

Major-General Charles Richard William Lane, C. B., Bengal Infantry. Dated 12th June 1866.

Major-General George Brooke, C. B., Royal Artillery. Dated 19th June 1866.

Major-General John Yaldwyn, Madras Infantry. Dated 23rd July 1866.

To be Major-Generals.

Colonel Peter Thomas Cherry, Madras Cavalry. Dated 27th May 1866.

Colonel John William Croggan, Royal Artillery. Dated 12th June 1866.

Colonel James Abbott, Royal Artillery. Dated 19th June 1866.

Colonel Philip Kearney Skinner, Bombay Staff Corps. Dated 23rd July 1866.

The undermentioned Officers who have retired upon full pay, to have a step of honorary rank as follows:—

To be Colonels.

Lieutenant-Colonel Thomas Alexander Cowper, Bombay Staff Corps. Dated 21st August 1866.

Lieutenant-Colonel Joseph Fisher Stevens, Madras Infantry. Dated 21st August 1866.

To be Inspector General of Hospitals.

Deputy Inspector General of Hospitals Francis Anderson, M. D., Bengal Establishment. Dated 21st August 1866.

To be Deputy Inspectors General of Hospitals.

Surgeon-Major Thomas Saumarez Lacy, Bengal Establishment. Dated 21st August 1866.

Surgeon-Major Theodore Cayley Hutchinson, Bengal Establishment. Dated 21st August 1866.

BREVET.

Captain and Brevet Major Peter Stark Lumsden, Bengal Staff Corps, to be Lieutenant-Colonel. Dated 21st August 1866.

INDIA OFFICE;

The 23rd August 1866.

Her Majesty has been pleased to approve of the following appointments to Her Majesty's Indian Medical Service:—

BENGAL.

To be Assistant Surgeons.

Griffith Griffith. Dated 31st March 1866.

Lewis Cameron, M. D. Dated 31st March 1866.

Daniel O'Connell Raye, M. D. Dated 31st March 1866.

James Thomas Gage, M. D. Dated 31st March 1866.

William Pleace Warburton, M. B. Dated 31st March 1866.

Edward Alfred Birch. Dated 31st March 1866.

Dean Philip Palmer, M. D. Dated 31st March 1866.

Denis Francis Keegan, M. D. Dated 31st March 1866.

William Walker Galloway, M. B. Dated 31st March 1866.

Lewis Edward Eades. Dated 31st March 1866.

Stephen Coull Mackenzie, M. D. Dated 31st March 1866.

No. 861 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following appointment:—

PUNJAB FRONTIER FORCE.

2nd or Hill Regiment of Sikh Infantry.

Ensign W. O. Thompson, of Her Majesty's 82nd Foot, a candidate for the Staff Corps, to be 2nd Wing Subaltern, on probation.

H. K. BURNE, *Lieut.-Col.*,
Offg. Secy. to the Govt. of India.

NOTIFICATION.

Military Department, Calcutta, the 12th October 1866.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the undermentioned Commissioned Officers, Warrant Officers and Non-Commissioned Officers on the dates specified, were received in the Military Department, during the month of September 1866:—

Corps.	Rank and Names.	Date of decease.	Place of decease.
23rd Foot	Staff Assistant Surgeon C. F. Hutchinson	12th Sept. 1866	Jubbulpore.
Late 2nd European Light Cavalry	Captain D. Compton	22nd ditto ...	Landour.
Subordinate Medical Department	Apothecary T. Cullen	13th August 1866	Raipore.
Commissariat Department...	Conductor J. Duncan ..	29th ditto ...	Phillour.
Ditto ditto ...	Serjeant J. White	7th July 1866 ...	Drowned in the river off Serajgunge.
European Invalid Battalion	Key Serjeant J. Dolby ...	10th ditto ...	Chunar.

Calcutta, the 12th October 1866.

NOTICE

Is hereby given that the amounts on account of the Estates of deceased European Commissioned Officers, as specified in the Statements published below, have been received by the undersigned, to whom all claims by creditors against the respective properties of the deceased, are to be submitted within two calendar months from the date of this Notice :—

Statement of Deposit made at the Presidency Pay Office, on account of the Estate of a deceased European Commissioned Officer of Her Majesty's British Military Service, in the month of September 1866.

Date of Deposit.	On whose account	Rank	Corps	General number	Date of decease	Testate or Intestate.	Amount of monies accruing from the adjustment of Estate.	Amount of Donation Batta due to Estate.	Total unclaimed amount deposited.	How disposed of. Amount paid in India.	Amount retained in India.	Amount remitted for payment in England. In Co's Rupees.	Equivalent in Sterling.	Rate of Exchange.	Remarks.
	Commissioned Officer.						*Rs. As P*		*Rs. As. P*						
22nd Sept. 1866	(a) Samuel Yates Worthington	Ensign .	H M's 27th Regt		19th June 1866	Intestate	42 10 8	.. ..	42 10 8						
	Total Rs		.. ..	.		.	42 10 8	.. .	42 10 8						

(a)—Next-of kin, Mrs S Worthington; 84, Upper George Street, Kingston, County Dublin.

FORT WILLIAM,
PAY OFFICE;
The 29th Sept. 1866

H. D. BATTYE, *Captain,*
Offg. Presidency Pay Master.

Statement of Deposits made at the Presidency Pay Office, on account of Estates of deceased European Commissioned Officers of Her Majesty's Indian Military Service, in the month of September 1866.

Date of Deposit.	On whose account.	Rank.	Corps.	General number.	Date of decease.	Testate or Intestate.	Amount of monies accruing from the adjustment of Estates.	Amount of Donation Batta due to Estates.	Total unclaimed amount deposited.	How disposed of. Amount paid in India.	Amount retained in India.	Amount remitted for payment in England. In Co.'s Rupees.	Equivalent in Sterling.	Rate of Exchange.	Remarks.
	Commissioned Officers.						Rs. As. P.		Rs. As. P.						
1st Sept. 1866	(a) Henry Chad Cattley ...	Captain and Bt. Major	Bengal Staff Corps .	...	24th Oct. 1865...	Testate ..	64 0 0	... ...	64 0 0						
Ditto ..	(b) William George Bygrave Tyler	Captain ...	Ditto ...	...	20th Aug. 1865..	Ditto ...	4,125 0 0	... ...	4,125 0 0						
Ditto ...	(c) Joseph Pater Paterson Truscott Hawkey	Lieut.-Col...	Late 74th Bengal N. I.	...	20th June 1866...	Intestate..	3,800 0 0	... ...	3,800 0 0						
Ditto ...	(c) Ditto ditto ..	Ditto ...	Ditto ...	...	Ditto ..	Ditto ...	300 0 0	.. ...	300 0 0						
Ditto ..	(c) Ditto ditto ..	Ditto ..	Ditto ...	...	Ditto ...	Ditto ..	2,383 0 0	... ...	2,383 0 0						
Ditto ...	(c) Ditto ditto ...	Ditto ...	Ditto ...	...	Ditto ...	Ditto ...	637 0 0	... ...	637 0 0						
Ditto ...	(c) Ditto ditto ..	Ditto ...	Ditto ...	..	Ditto ...	Ditto ..	635 10 6	... ...	635 10 6						
17th ditto ...	(d) Thomas Francis Hardy ...	Lieut. and Qr. Mr.	36th N. I. ...	...	27th April 1866..	Ditto ...	356 14 10	... ...	356 14 10						
	Total Rs.	... ...	... ..	...	... ...	... ...	12,301 9 4	... ...	12,301 9 4						

(a)—Widow, Mrs. Fanny Ellen Duff Cattley.
(b)—Widow, Mrs. Elizabeth Emily Tyler, and one daughter. Executor, Dr. Charles Mackinnon, Inspector General of Hospitals, care of Messrs. Smith, Elder and Co., 45, Pall Mall, London.

(c)—Widow, Marian Hawkey, nee Mewenham. Child—one daughter.
(d)—Next-of-kin, sister, Miss Fanny Hardy; 53, Union Place, Aberdeen.

FORT WILLIAM,
PAY OFFICE;
The 29th Sept. 1866.

H. D. BATTYE, *Captain,*
Offg. Presidency Pay Master.

B. E. BACON, *Lieut.-Col.,*
Offg. Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

No. 256.

ESTABLISHMENT.

Simla, the 6th October 1866.

Notifications.—Major D. J. P. Campbell, Executive Engineer, Toomkoor Division, Mysore, is granted six months' leave of absence on medical certificate, to enable him to proceed to Bangalore, the Neilgherries, and the Coast.

No. 257.

The 9th October 1866.

Mr. Henry Johnson is appointed to the Public Works Department as an Assistant Engineer, 2nd Grade, and is posted to the North-Western Provinces.

No. 258.

The 10th October 1866.

Mr. C. Hodgson, Overseer, 1st Grade, Mysore, is removed from the Public Works Department, with effect from the date he may be relieved of his duties.

No. 259.

Mr. V. Rigby is re-appointed to the Public Works Department as an Assistant Engineer of the 2nd Grade, and posted to the Punjab.

No. 30F.

REVENUE—FORESTS.

The 6th October 1866.

Notifications.—Lieutenant E. W. C. H. Miller, Assistant Conservator of Forests, Nugur Division, availed himself, on the 29th August, of the privilege leave granted him in Notification No. 19F., dated 9th August 1866.

No. 31F.

The 9th October 1866.

Major A. Hunter, Madras Staff Corps, Conservator of Forests in Mysore, is granted two months' privilege leave from the 12th September 1866.

No. 3R.

RAILWAY.

The 12th October 1866.

Notifications.—Lieutenant R. C. Pye, R. E., is appointed Examiner of Accounts and Assistant Consulting Engineer, Railway Department, and posted to Bengal.

No. 4R.

Lieutenant L. Conway Gordon, R. E., is appointed Examiner of Accounts and Assistant Consulting Engineer, Railway Department, and posted to the Punjab.

C. H. DICKENS, *Lieut.-Col.*, R. A.,
Secy. to the Govt. of India.

NOTICE.

Whereas it appears to the Chief Commissioner of Oudh that land is required to be taken up by Government at the public expense for a public purpose, *viz.*, for building a Lunatic Asylum, it is hereby notified that land to the extent noted below, with the trees, buildings, and property thereon situated, is required for the said purpose.

This declaration is made under Section 2, Act VI. of 1857:—

District.	Village.	Quality of land required.					
		Culturable.			Uncultivated.		
		A.	*R.*	*P.*	*A.*	*R.*	*P.*
Lucknow	Within the city, near Chuck Hyderabad	3	0	2½	0	2	25

A. M. LANG, *Captain*, R. E.,
Asstt. Secy. to Chief Commr., Oudh, D P W.

LUCKNOW,
The 5th October 1866.

Revenue Survey Department.

No. 1.

Calcutta, the 5th October 1866.

One month's privilege leave of absence, under Financial Department Order No. 198, dated 18th January 1866, is granted to Mr. T. Martin, Sub-Assistant Revenue Surveyor, 3rd Class, attached to the 2nd Division of Oudh, from the date on which his services can be spared.

J. E. GASTRELL, *Lieut.-Col.*,
Offg. Dy. Surveyor Genl. of India.

ADVERTISEMENTS.

POSTAL NOTICE.

Arrangements have been made for the transmission by Post between India and France, and between India and Italy, of patterns and samples of merchandize of no intrinsic value, under the conditions and at the rates chargeable on books and printed papers addressed to France.

2. Book packets and patterns and samples of merchandize received from France, are liable on delivery to Indian Book Post rates, namely, one anna for ten tolas.

3. Patterns, books, and printed papers posted in India are, in like manner, liable to Indian Inland rates of Book Postage, which must be prepaid.

H. B. RIDDELL,
Director General of the Post Office of India.

SIMLA,
The 6th October 1866.

Rules for the Custody, Distribution, and Sale of Postage Stamp Labels.

Sanctioned by the Government of India.

1. THE Stamp Office in Calcutta, under the Superintendent of Stamps, shall be the Central Depôt for the distribution of Postage Stamps throughout India.

2. Supplies of Postage Stamps for the Madras Presidency, including Mysore and the Post Offices subordinate to Madras in the Nizam's Territory, shall be supplied on the Indent of the Superintendent of Stamps at Madras.

3. Supplies of Postage Stamps for the Presidency of Bombay, including Scinde, Berar, the Nagpore Territory, and Post Offices subordinate to Bombay in the Nizam's Territory, Baroda and the Southern Mahratta States, shall be supplied on the Indent of the Officer in charge of the distribution of the Judicial Stamps at Bombay.

4. Stamps for the Bengal Presidency, including the North-Western Provinces, the Punjab, the Saugor Territories, Bundlecund, Gwalior, Malwa, Rajpootana, Pegu, Assam, the Tenasserim Provinces and the Straits Settlements, shall be supplied by the Superintendent of Stamps in Calcutta on the Indent of the Officers in charge of local Depôts.

5. The Officers in charge of the Central Depôts at Madras and Bombay shall, whenever it is practicable, keep in hand a supply of Postage Labels sufficient for the estimated demand for four months of the several local Depôts supplied by them, and shall Indent* on Calcutta, whenever the Stamps in hand are fewer than have been expended during the preceding five months.

* Form 1.

6. Every Treasury throughout India, including those attached to Political, Customs and Salt Agencies, shall be a local Depôt for the sale of Postage Stamps of the value of not less than Five Rupees of Labels at one time: provided that the quantity sold shall not include less than One Rupee's worth of any particular value of Stamps. At any station at which there is a Collector of Land Revenue, neither a Salt Agent nor Collector of Customs shall be entrusted with the custody and sale of Postage Stamps.

7. A supply equal to the probable consumption for two months of the District attached to each local Depôt shall be kept in each, and as soon as the number in store has fallen below the number expended during the preceding three months, the Collector or other Officer in charge of the Depôt shall Indent* on the Central Depôt of his Presidency for a number equal to the consumption of the last three months for which accounts have been rendered to the Central Depôt of the Presidency. If by any accident the stock of Stamps of any value should run short before the receipt of a fresh supply from the Central Depôt, the Officer in charge of the Treasury will indent on neighbouring Districts for a quantity sufficient to meet the demand, which may be supplied or not according to the discretion and on the responsibility of the Officer indented on, with reference to the wants of his own District. It will be the duty of the Superintendent of Stamps of the Presidency to report to the Director General of the Post Office, for the orders of Government, every occasion on which it may appear from the Monthly Statement, or otherwise, that the store of Stamps of any particular value in any District has fallen below the authorized amount.

* Form 2.

8. A supply of Stamps for sale, by retail, shall be kept available at every Post Office, Receiving Houses, Tehsildaree, Thanna, and every Police Station at which letters are received for despatch, and with every licensed Stamp-vendor; and it shall be the duty of the Officer, to whom the person in charge of any of the above-named places is subordinate, to take steps to ensure that the supply kept on hand is at all times equal to at least one week's demand.

9. No account current of Postage Stamps shall be kept at any subordinate Depôt. Stamps will be issued on credit from a Presidency Stamp Office to Officers in charge of Treasuries, but those Officers when selling the Stamps to Post Masters and other vendors for distribution to the public, will invariably require cash on delivery. All Officers of Government, whether employed in the Post Office or otherwise, who are required to vend Postage Labels, may be allowed discount at the rate of one anna in the Rupee, provided that the Labels supplied to any such Officer at one time be of the value of not less than Five Rupees. All other persons including Officers of Government, who are not required to sell Stamps, will only be allowed discount at the present rate of half-an-anna in the Rupee.

10. The bulk of Postage Stamps in store at any local Depôt, shall be kept in parcels containing a known number of sheets, in the Treasury or other secure place, in one or more strong chests or presses under double locks—the key of one lock of each chest or press always remaining in the hands of the Collector or other Officer in charge of the Stamps, and the key of the other in the hands of the Treasurer.

11. The remainder of the Stamps in store shall be in the hands of the Treasurer, and shall not exceed the probable demand of fourteen days, estimated according to the average of former sales.

12. The Treasurer shall keep a Day-book of Receipts and Issues* in the Vernacular of the District, in which the transactions of each succeeding day shall be entered consecutively, a balance being struck at the close of each day and attested by the initials of the Officer in charge of the Treasury.

* Form 6.

13. On the first open day of each month and on every Monday during the month, the Treasurer shall prepare in the Vernacular and submit to the Officer in charge of the Postage Stamps an Indent* for a supply of Postage Stamps for the following week. The Indent, after being approved or altered by the Officer in charge of the Postage Stamps, shall be signed by him and complied with as directed in the following rule. The Indent thus signed shall be the warrant for the issue of the Stamps.

* Form 7.

14. The Officer in charge of the Postage Stamps shall cause the store under double locks to be opened, and the required number to be counted

and delivered to the Treasurer in his presence. A Store-book* shall be kept in English, in which the number and value of the Stamps delivered to the Treasurer shall be entered, and a balance struck at the time of delivery. This balance will be attested by the initials of the Officer in charge and of the Treasurer, both of whom shall invariably be present during the whole time that the store under double locks, or any part of it, remains open. The deliveries shewn in the Store-book will agree with the Indent as approved.

* Form 8.

15. If the Treasurer require Stamps at any intermediate time, the same process will be observed as is prescribed in the two preceding rules.

16. Stamps will be supplied from the store under double locks only to the Treasurer and on Indent from him; all sales must be made from the supply in the hands of that Officer.

17. As soon as possible, after the arrival of a despatch of Postage Stamps from a Stamp Office or from any other District, the packets or boxes are to be opened one at a time in the presence of the Officer in charge of Stamps. The Stamps contained in each box or packet are then to be immediately counted and compared with the Invoice,* and a Receipt† forwarded by the first Post to the Depôt whence they were despatched. Unless the Officer in charge of the Stamps can certify that the Stamps contained in any given packet or box were immediately counted by himself personally, or in his presence, he will be held responsible for the value of any that may be found deficient. The Stamps are then to be placed in the store under double locks and entered in the Store-books, and no Stamps are to be delivered to the Treasurer or sold to any party without being first brought into store.

* Form 3.
† Form 4.

18. Officers in charge of Stamps will have the Stamps in Store, both those under double locks and those in the hands of the Treasurer, counted in their presence on the last open day of October and April, in each official year, and will certify having done so in the following terms at the foot of the Monthly Abstract Account of Receipts and Sales for three months furnished to the Superintendent of Stamps:—

"I do hereby certify that I have personally counted the Postage Stamps in store on 18 , *"the actual value of which is Rupees* (here enter "the amount in words and figures); *and that the "Rules prescribed by the order of the Government "of India dated , are duly observed."*

19. On occasions of transfer of charge, Postage Stamps will be made over in the same manner, and under the same precautions, as the Cash Balance in the Treasury.

20. The Officer in charge of each local Depôt will submit on the 2nd of each month an account* to the Superintendent of Stamps of his Presidency, showing the balance in hand at the close of the preceding month, and the sales effected during that month.

* Form 5.

21. The Superintendent of Stamps of each Presidency will, on the 15th of each month, in addition to any account required by the Accountant, furnish the Director General of the Post Office with a Memorandum* showing the number of Stamps distributed by him during the preceding month; and at the close of each quarter he will furnish an Abstract Memorandum† showing the number and value of Stamps in hand, and the total amount of the actual sales of all the local Depôts supplied by him.

* Form 9.
† Form 10.

H. B. RIDDELL,
Dr. Genl. of the Post Office of India.

SIMLA,
The 29th Sept. 1866.

FORM I.

Indent of Postage Stamps required for the District of

DESCRIPTION.	Number of Sheets in Store.		Number of Sheets sold in preceding 3 months.		Number of Sheets Indented for.		Amount in Rupees.		
	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.			
½ Anna									
1 Anna									
2 Annas									
4 Annas									
6 Annas									
8 Annas									
½ Anna Note Paper									
½ Anna Envelopes									
1 Anna Envelopes									
					Total, Rupees ...				

ZILLAH
18

E. E.

13

FORM 2.

POSTAGE STAMPS INDENT.

*Dated*_____186

I request that the undermentioned Postage Stamps may be sent to me:—

1.	2.	3.	4.		5.		6.	7.	8.	9.
DESCRIPTION.	Number in Sudder and Sub-Divisional Treasuries on date of Indent.	Number sold in the last three months, for which accounts have been furnished.	Number sold in the last three months, for which accounts have been furnished in sheets and reams and lables.		Number indented for in reams or sheets.		Explanation of any difference between columns 3 and 5.	Number passed by Superintendent.	DESCRIPTION.	TOTAL VALUE.
	Labels.	Labels.	Reams.	Sheets.	Reams.	Sheets.				
Half-anna note paper Stamp 480=1 Ream...									Half-anna note paper Stamp 480=1 Ream...	
„ „ Envelope 480= „ ...									„ „ Envelope 480= „ ..	
One-anna „ 480= „ ...									One-anna „ 480= „ ...	
			Sheets.	Labels.	Sheets.	Labels.				
Half-anna Postage 320=1 Sheet...									Half-anna Postage 320=1 Sheet ..	
Eight-pie „ 320= „ ...									Eight-pie „ 320= „ ...	
One-anna „ 320= „ ...									One-anna „ 320= „ ..	
Two-anna „ 320= „ ...									Two-anna „ 320= „ ...	
Four „ „ 320= „ ...									Four „ „ 320= „ ...	
Six „ „ 320= „ ...									Six „ „ 320= „ ..	
Eight „ „ 320= „ ...									Eight „ „ 320= „ ..	
									TOTAL Rs.	

ZILLAH,
The 186 .

FORM 3.

POSTAGE STAMPS.

INVOICE ——.

Stamp Office, the 12th day of June 1854.

Consigned to the Collector of Belgaum.

NUMBER OF SHEETS.	NUMBER OF SHEETS.						½ Anna Note Paper.	½ Anna Envelopes.	1 Anna Envelopes.	TOTAL VALUE.
	½ Anna.	1 Anna.	2 Annas.	4 Annas.	6 Annas.	8 Annas.				

I acknowledge to have received the above on the 15th July 1854.

(Signed) A. B. SMITH,
Collector.

N. B.—This Invoice must be signed and returned by Post immediately.

FORM 4.

POSTAGE STAMPS.

RECEIPT.

Stamps forwarded from Bombay on the 12th day of June 1854.

Dated Belgaum, 15th July 1854.

I acknowledge to have received the Stamps described in the accompanying Invoice, the total value of which amounts to Rupees (six hundred) 600 0 0

BELGAUM,
The 15th July 1854.

(Signed) A. B. SMITH,
Collector.

N. B.—As soon as the Stamps arrive, they are to be compared with the Invoice. This Receipt is to be signed and returned immediately.

FORM 5.

Account of Sales and Stock of Postage Stamps at *for the month of* 18

	½-Anna Labels.	1-Anna Labels.	2-Anna Labels.	4-Anna Labels.	6-Anna Labels.	8-Anna Labels.	½ Anna Note Paper.	½ Anna Envelopes.	1 Anna Envelopes.	VALUE.		
										Rs.	A.	P.
Stock on hand at the close of last month												
Received from Superintendent of Stamps during the month ...												
Ditto from												
TOTAL ...												
Sold in this month												
Issued to the												
TOTAL ...												
Balance, viz.,—												
Stock on hand												
Inefficient.												
Advanced to												
TOTAL ...												

Memorandum.	Rs.	A.	P.
Sold this month ...			
Discount allowed ...			
Net amount credited in Cash Account... ...			

FORM 6.

POSTAGE STAMPS.

Treasurer's Daily Account.

RECEIPTS. SALES.

Date	Particulars	No. of Labels and Sheets of each value.									Gross value including Discount			Net value.			Remarks.	Date.	Particulars.	No. of Labels and Sheets of each value.									Gross value including Discount.			Discount at ½ anna per Rupee.			Discount at 1 anna per Rupee.			Net Cash paid to Treasury.			Remarks.
		½ Anna.	1 Anna.	2 Annas.	4 Annas.	6 Annas.	8 Annas.	½ Anna Note Paper.	½ Anna Envelopes	1 Anna Envelopes.	Rs.	A.	P.	Rs.	A	P.				½ Anna	1 Anna.	2 Annas	4 Annas.	6 Annas.	8 Annas.	½ Anna. Note Paper	½ Anna Envelopes	1 Anna Envelopes.	Rs.	A	P.	Rs	A.	P	Rs.	A	P	Rs.	A.	P.	
	Balance ..																		Balance in hand																						
	Total .																		Total ..																						

FORM 7.

Indent of Postage Stamps required for the

Description.	No. of Sheets in Store.		No. of Sheets sold in preceding week.		No. of Sheets indented for.		Amount in Rupees.
	Sheets.	Labels.	Sheets.	Labels.	Sheets.	Labels.	
½ Anna							
1 Anna							
2 Annas							
4 Annas							
6 Annas							
8 Annas							
¼ Anna Note Paper							
½ Anna Envelopes							
1 Anna Envelopes							
Total Rupees ...							

FORM 8.

POSTAGE STAMPS.

Store Book.

RECEIPTS.																ISSUES.												
DATE.	Particulars.	No. of Labels and Sheets of each value.									Gross value including Discount.			REMARKS.	DATE.	Particulars.	No. of Labels and Sheets of each value.									Gross value including Discount.			REMARKS.
		½ Anna.	1 Anna.	2 Annas.	4 Annas.	6 Annas.	8 Annas.	½ Anna Note Paper.	½ Anna Envelopes.	1 Anna Envelopes.	Rs.	A.	P.				½ Anna.	1 Anna.	2 Annas.	4 Annas.	6 Annas.	8 Annas.	½ Anna Note Paper.	½ Anna Envelopes.	1 Anna Envelopes.	Rs.	A.	P.	
May 1	Balance															Balance ...												
	Total ...															Total												

FORM 9.

Account of Receipts, Issues, and Stock of Postage Stamps at for the month of

	½-Anna Labels.	1-Anna Labels.	2-Anna Labels.	4-Anna Labels.	6-Anna Labels.	8-Anna Labels.	½ Anna Note Paper.	½ Anna Envelopes.	1 Anna Envelopes.	Value.		
										Rs.	A.	P.
Stock on hand at the close of last month												
Received from												
TOTAL ...												
Distributed in this month ..												
Balance Stock on hand ...												

FORM 10.

POSTAGE STAMPS.

Account of Sales and Stock in the Presidency of for the quarter ending

Name of Depôt	Sold.													Discount Allowed.						Net Value.			On Hand.												
	½ Anna.	1 Anna.	2 Annas.	4 Annas.	6 Annas.	8 Annas.	½ Anna Note Paper.	½ Anna Envelopes.	1 Anna Envelopes.	Value.			½ Anna.			1 Anna.						½ Anna.	1 Anna.	2 Annas.	4 Annas.	6 Annas.	8 Annas.	½ Anna Note Paper.	½ Anna Envelopes.	1 Anna Envelopes.	Value.					
										Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.											Rs.	A.	P.		

POSTAL NOTICE.

Arrangements have been made for the transmission by Post through the United Kingdom, between India and the Netherlands, and India and Belgium, of patterns and samples of merchandize, under the conditions set forth in the Notice of 30th December 1865, and at the rates given below.

2. The following Regulations apply to patterns and samples of merchandize passing between India and the Netherlands, and India and Belgium:—

I.—No packet of patterns must exceed two feet British in length, or one foot British in width or depth.

II.—Scissors and other similar articles may be forwarded as patterns, provided they be packed and guarded in so secure a manner as to afford complete protection to the contents of the mail bags and the officers of the Post Office, while at the same time the patterns may be easily examined.

III.—Book packets, patterns or samples of merchandize received from the Netherlands and Belguim, are liable on delivery to Indian Book Post rates, namely, one anna for ten tolas.

IV.—Patterns, books and printed papers posted in India are liable to Postage according to the following Table:—

Not exceeding 2 ozs.		Above 2 ozs. and not exceeding 4 ozs.	Above 4 ozs. and not exceeding 8 ozs.	Above 8 ozs. and not exceeding 12 ozs.	Above 12 ozs. and not exceeding 16 ozs.	Above 16 ozs. and not exceeding 20 ozs.	Above 20 ozs. and not exceeding 24 ozs.	Above 24 ozs. and not exceeding 28 ozs.	Above 28 ozs. and not exceeding 32 ozs.	And so on for every additional 8 ozs.
A.	P.	A. P.	A. P.	A. P.	A. P.	R. A. P.	R. A. P.	R. A. P.	R. A. P.	A. P.
2	4	3 8	7 4	13 8	14 8	1 5 0	1 6 0	1 12 4	1 13 4	7 4

3. The above rates include Indian Inland Postage and must be *prepaid.*

4. The limit of weight of a packet for Belgium is one pound, and for one addressed to the Netherlands, two pounds.

SIMLA,
The 11th October 1866.

H. B. RIDDELL,
Director General of the Post Office of India.

BANK OF BENGAL.

Under the amended orders of Government, dated Simla, the 21st instant, Notice is hereby given that the Bank of Bengal, General Treasury, and Public Debt Office, will be closed on the following days, *viz.*:—

On Monday, the 8th October, on account of the Hindoo Festival "Mohaloyah."

From Monday the 15th, to Saturday the 27th October, both days inclusive, on account of the Doorga and Luchmee Poojah Holidays.

All Government acceptances which may fall due between the 15th and 27th October, will be paid by the Bank on any day after the 11th October.

By Order of the Directors,

CALCUTTA,
The 25th September 1866.

GEO. DICKSON,
Secy. and Treasurer.

BENGAL OFFICIAL ARMY LIST.

The Bengal Official Quarterly Army List, No. XVIII, corrected in the Office of the Adjutant General up to the 1st October, is in the Press, and will be published shortly. Price Five Rupees in advance, and Eight Annas extra if sent by Post. Apply at the Office of Superintendent, Government Printing, Military Orphan Press, Calcutta.

Department of Issue of Paper Currency.

The 26th September 1866.

The Paper Currency Exchange Department at the Treasury Buildings will be closed on Monday the 8th October 1866, on account of Hindoo Festival "Mohaloyah;" and from Monday the 15th, to Saturday 27th October 1866, both days inclusive, on account of the "Doorga" and "Luchmee" Poojah Holidays.

TUDOR TREVOR,
Offg. Asstt. Commr. of Paper Currency.

DESTROYED.

The undermentioned Government Promissory Notes standing in the name of Vilaitee Begum, the Proprietor, by whom they were never endorsed to any other person. Payments of the Notes and Interest has been stopped at the Loan Office, and application is about to be made to Government for the issue of duplicate Notes in favour of the Proprietor:—

No. 28075 of		1842-43,	for Rs.	50,000
„ 4482 of		1854-55,	for „	8,000
„ 7608 of	4564 of	1854-55,	for „	1,200
„ 27728 of		1854-55,	for „	20,000

LUCKNOW,
The 18th Sept. 1866.

VALAITEE BEGUM.

LOST.

First half of the following Currency Note—intimation of loss given to the Currency Office, Allahabad:—

No. A12—03720, for Rs. 50.

LOST

In transit, second halves of the following Lahore Government Notes:—

No. A26—32491, dated 15th May 1862, for Rs. 20

No. A18—68024, dated 8th May 1862, for Rs. 10; and first half of

No. A26—29306, dated 15th May 1862, for Rs. 20

LOST.

Halves of the following Currency Notes—intimation of loss given to the Currency Office:—

Nos. A11—33087 and A11—71638, for Rs. 50 each.

LOST OR STOLEN.

Half of the following Currency Note—intimation of loss given to the Currency Office:—

No. A22—68581, for Rs. 1,000.

NOBIN CHUNDER BOSE.

LOST.

First half of Currency Note No. A30—33299, dated 5th May 1864, for Rs. 100.

JAS. L. WATSON.

LOST.

First half of the following Currency Note—intimation of loss given to the Currency Office, Allahabad:—

No. A12—05558, for Rs. 50.

GEO. WYMAN & Co.

LOST.

Halves of the following Currency Notes:—

Nos. A17—49631 and A17—54990, for Rs. 10 each.

LOST.

Right halves of the following Currency Notes:—

Nos. A18—64973, 64988, 61980, and 64990, for Rs. 10 each.

LOST

Between Bhera and Lahore, halves of Government Notes—

Left A26—31165, Rupees 20.
Left A18—59745 „ 10.
Right A18—60874 „ 10.

BHERA. J. C. MOOKERJEE.

LOST.

Half of the following Currency Note—intimation of loss given to the Currency Office, Calcutta:—

No. A19—70199, dated 9th May 1862, for Rs. 10.

LOST.

Right half of the following Note:—

No. A17—57639, dated 7th May 1862, Nagpore, for Rs. 10.

LOST

In transit by Post between Luckeempore and Lucknow, right halves of the following Government Currency Notes of the Allahabad Circle, dated 16th July 1861:—

A13—80737, Rupees 100.
A13—80738 „ 100.

LUCKEEMPORE, MOHUMDEE, *The 3rd October* 1866. } H. J. SPARKS, *Offg. Dy. Commissioner.*

LOST.

The following entire Currency Note—intimation of loss given to the Currency Office, Allahabad:—

No. A13—96438, for Rs. 100, dated 16th July 1861.

W. PHAIRE, *Capt.*,
Asstt. Commr., Mohumdee.

LOST.

One half of a Lahore Circle Currency Note No. A26—27426, for Rs. 20.

C. BRYAN,
Manager, "Lahore Chronicle."

LOST

During the Mutiny of 1857, Government Security No. 57660 of 26219 of 1841-42, for Rs. 5,000, originally standing in the name of Hyder Ally.

Application made to Government for issue of a duplicate in my name.

WUZEER KHANUM,
Widow of HYDER ALLY,
By her Agent SEROSING.

LOST OR STOLEN.

Undermentioned Government Promissory Notes:—

No. 21655 of 1856-57, for Rs. 500.
„ 21656 ditto ditto Rs. 500.

Total Rs. 1,000.

Renewal and payment of interest on which have been stopped at the Bank of Bengal.

Apply to—

G. F. BEHRENDS,
3, LYON'S RANGE. *Consld. Atty. for* JOHN OGLE

NOTICE.

Half of the following Currency Note—intimation of loss given to the Currency Office, Allahabad:—

No. A18—11444, for Rs. 10.

ALLAHABAD, *The 25th September* 1866. } R. CARR.

WANTED

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Edited by the Secretary, Board of Revenue.

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BEING

CHAP. XXVI. OF THE RULES OF THE BOARD OF REVENUE.

CALCUTTA:

OFFICE OF SUPDT. OF GOVT. PRINTING,

Military Orphan Press.

1866.

Statement of Silver Balance in the Mint.

Balance of Bullion under assay, or remaining to be assayed, on the morning of the 24th September 1866	13,40,121
24th September 1866, tendered...	25,212
	13,65,333
Certificates issued	2,21,286
Balance	11,44,047
25th September 1866, tendered...	13,723
	11,57,770
Certificates issued	1,99,754
Balance	9,58,016
26th September 1866, tendered...	35,615
	9,93,661
Certificates issued	2,01,107
Balance	7,92,554
27th September 1866, tendered...	18,765
	8,11,319
Certificates issued	1,70,661
Balance	6,10,658
28th September 1866, tendered ..	22,700
	6,63,358
Certificates issued	1,55,912
Balance	5,07,446
29th September 1866, tendered...	34,162
	5,41,608
Certificates issued	2,24,161
Balance	3,17,447
Deduct difference in value between tender and certificates	56,926
Balance of Bullion under assay, or remaining to be assayed	2,60,521
Note.—Value of silver remaining for coinage at end of week, and appertaining to the Mint Balance ...	51,79,325
Not assayed	2,60,521
	54,39,846
Deduct value of silver appertaining to the Currency Department ...	45,42,878
Total ...	8,96,968

CALCUTTA MINT, *The 1st October* 1866. } J. A. BALLARD, *Offg. Mint Master.*

Printed and Published for the Government of India by J. L. KINGHAM, *at the Government Press, Simla.*

No. 38.

SUPPLEMENT TO

The Gazette of India.

SIMLA, SATURDAY, OCTOBER 13, 1866.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees four annas if sent by Post.*

No Official Orders or Notifications, the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

Government of India.

HOME DEPARTMENT.

Extracts of Minutes and Correspondence relating to the proposed Permanent Settlement of the Land Revenue in the North-Western Provinces.

Minute by the Governor General, dated the 5th March 1864.

* * * * * * * * *

8. * * * * Having thus disposed of the main administrative points, I desire to add some further observations regarding the mode of carrying out the Permanent Settlement in the North-Western Provinces.

9. While the correspondence now under consideration was pending, I had the advantage of discussing verbally with the Lieutenant Governor the best mode of applying this important measure to the North-Western Provinces. His Honor did afterwards, at my request, mention my views to the Sudder Board of Revenue at Allahabad, and I have received an expression of the Board's general opinion thereon. I apprehend, however, that the various points involved have not yet been fully brought out, and I will take this opportunity of placing the matter in its true light according to my view.

10. It is not now necessary to advert to the reasons for and against a Permanent Settlement in India. It has been decided by Her Majesty's Government that the measure shall or may be introduced into those parts of India which fulfil certain conditions laid down as necessary for its reception. Nor is it necessary to recapitulate those conditions here, as they are fully stated in the Secretary of State's Despatch of the 9th July 1862. It is generally admitted that, with one or two exceptions, such, perhaps as Goruckpore, the districts in the North-Western Provinces do, in whole or in part, fulfil those conditions, and are therefore entitled to the benefit of a Permanent Settlement. It is clear also that, before the assessment in any district is declared permanent for ever, it ought to be finally revised; and that, as the term of the present thirty years' Settlement in each district draws to a close, the opportunity should be taken of revising the assessment finally, with a view to its being declared permanent for ever.

11. But I apprehend that, in parts of the North-Western Provinces, there will be whole tracts of greater or less size, or sets of villages, or individual villages, which are more backward than others and less cultivated than neighbouring tracts, which fail to fulfil the necessary conditions for Permanent Settlement, and which are therefore not yet entitled to that permanency of assessment which may be granted to other places.

12. Now I by no means consider that if the Permanent Settlement be applied to a district at all, it must therefore be applied to the *whole* district at once; or that, if the measure be allowed at all, it must be extended to at least some considerable tracts; or that it is not admissible to select some tracts, or some individual villages, as entitled to permanency of assessment, and to reject others in the same neighbourhood as being not so entitled. It by no means follows, because a district *generally* is cultivated and improved up to a high standard, that every part of it, or every village in it, comes up to that standard. Therefore, it seems to me necessary to select those villages or estates which are fit for Permanent Settlement, and to postpone the measure in those which are not so fit. Unless this be done, then the result must be either that the measure would be postponed indefinitely until every estate in the district reached a prescribed standard (which in many cases might never be attained); or else that some superior estates would be denied the boon, because some estates in their neighbourhood were inferior; or else that some estates, which did not fulfil the conditions, would, nevertheless, be permanently settled, because they were situated in the midst of a district which generally did come up to the standard. Unless, therefore, the principle of selection be adopted, I apprehend that in many cases there would either be an undue sacrifice of revenue by some villages being admitted to Permanent Settlement without being fit for it; or else there would be a sacrifice of the rights of the people, who, though fit for the Permanent Settlement, would be denied the boon, because some of their neighbours were not yet fit.

13. The above remarks are, doubtless, applicable to parts of the North-Western Provinces, and to some villages in many of the districts of those Provinces: they are probably still more applicable to other parts of the Bengal Presidency, such as the Punjab, Oudh and the Central Provinces.

14. But in those tracts, or in those villages, which are not yet fit for Permanent Settlement, it is still of importance to pave the way for the introduction of that measure, and to afford to the people the advantages which arise from the prospective limitation of a demand which is never to exceed a certain specified amount. If this can be done, then the owner of an estate, which is for the present temporarily settled for a fixed period, will yet know that, after the expiry of such period, there is a certain limit above which the assessment will never be raised; that if he improves up to a certain standard, he will be assessed up to a certain sum and no more; and that whatever improvement may ever thereafter be effected, there will be no further increase of demand. Such an estate, while settled temporarily for a fixed term, would thus have the benefit of a Permanent Settlement in prospect after the expiry of that term. If such an arrangement could be effected, it would carry with it the same advantages and be justified by the same reasons as the Permanent Settlement itself. I believe that it might be carried out in the following manner:—

15. The estates or tracts not yet fit for Permanent Settlement will be those where (in the terms of the Secretary of State's Despatch) a large proportion of the land is still uncultivated, and which do not yield to the public Treasury a return commensurate with their prospective capabilities. In this respect, then, our concern will chiefly be with estates in which there is much culturable land still uncultivated, or in which the cultivation is inferior to what it might be, or in which the general resources of the estate are not turned to the best account. Such estates are, according to the present system, assessed for a period of thirty years upon their existing assets, that is, upon their cultivated area as it now stands. In this manner the assessment is made for the whole estate, including both the cultivated lands and the lands fit for cultivation, though uncultivated. Sometimes, when the culturable land is particularly good and likely to be soon brought under cultivation, or where it yields some valuable produce, such as superior sorts of grass, fuel, and the like, something may be added to the assessment of the whole estate. But generally the proportion of the assessment of an estate due to the culturable land is not large, and *in the main* the assessment is fixed with reference to the present cultivated area. It is reasonably expected that the assessment having thus been fixed for thirty years, the landholder will have every inducement to bring the culturable land under cultivation, or otherwise develope the resources of the estate. If he do so, then no assessment is to be demanded on such additional cultivation or development for thirty years; and any claim on the part of Government for revenue on such additional cultivation is put off till the next Settlement.

16. But although little revenue in any case, and in some cases no revenue at all, can be demanded for thirty years on the culturable land, still it may be quite practicable to *now* fix the maximum or full assessment demandable on such estate, supposing that its resources were fully developed. This might be done separately, and there would thus be two distinct sums assessed, *viz.*, *firstly*, the sum fixed on existing assets and to be paid during the thirty years' Settlement; and *secondly*, the full sum ultimately assessable on the estate, supposing its resources to be fully developed, which sum would be the maximum demandable at the next Settlement, provided that the landholder were willing to accept it. This latter would give the highest sum ultimately demandable from the estate according to the principles of a moderate assessment, and when once this be accepted, then the assessment might properly be declared permanent. Thus a landholder would have his assessment fixed for thirty years certain upon his existing cultivation; he would also know the maximum assessment to which his estate would be liable if it were to become fully developed.

17. If on the expiry of that term of Settlement, he shall accept the full assessment or highest sum above described, then he may do so without any further enquiry or re-settlement, and the assessment so accepted will then be declared permanent. But it would not be obligatory on him to accept this additional assessment.

18. If he object to do so, then the estate would be re-settled after enquiry in the usual way, on the assets and the cultivation as they might be found to exist at that time. Only it would not follow that the assessment thus made on re-settlement would be declared permanent. If it were less than the maximum previously fixed, it would not be so declared.

19. To illustrate the above, let us suppose an estate assessed at Rupees one thousand on its assets as they now stand at the revised Settlement; suppose also that it possessed either culturable waste, or other undeveloped resources, and that the full assessment which the estate might ultimately be capable of bearing were fixed at Rupees (1,500) fifteen hundred. Thus the estate would now be assessed at the thousand Rupees for the term of thirty years certain; the landholder would be told that Rupees fifteen hundred had been calculated as the maximum demandable on the whole estate at the next Settlement, and that if, at the *next* Settlement, he chose to accept that, he might do so without further re-settlement, and that the Rupees 1,500 would thereafter be declared to be a Permanent Settlement; and the sum of Rupees 1,500 would be recorded as the maximum which Government would ever demand from the estate. If, after the expiry of the Settlement now to be made, that is, if 30 years hence, he should object to pay the Rupees 1,500, then the estate would be re-settled on the assets as they might then exist.

20. It is to be observed that there would be no difficulty in valuing the culturable lands. At the revision of Settlement now being made, we possess full particulars by survey of these lands, as of all others; and their capabilities and resources, according to the circumstances of the present time, and in comparison with the actually cultivated lands, are perfectly well known to the Settlement Officers. The revenue rates at which they would be assessable, if now cultivated, could be well fixed, and, indeed, would be analogous to the rates of the several kinds of cultivated lands. So also, if such lands possess other valuable resources, such as grass of the superior sorts, fuel, or the like, which, under certain circumstances, would bring a large profit, the value of all this can be fairly estimated. Still it may be admitted that to assess now the revenue demandable thirty years hence on culturable or other waste, is an operation requiring care. Unless some guiding principles were observed, there would be the chance of error; and possibly the assessment now fixed would be unduly light compared with that of cultivated estates, and hereafter might appear too low. To guard against this, then, I would propose some such principle as follows:—

21. Under the present system a district is divided by the Settlement Officer into so many tracts. Each tract comprises estates of a similar character; there may be variety of detail amongst the individual estates, but there will be a generic resemblance between them all in respect to those main features which determine their value, such as character of soil, kind of produce, means of irrigation, facility of transport, proximity of markets, supply of labour, breed of cattle, their fiscal history, and the like. Some estates will be better cultivated than others; in some, the resources will be better developed than in others; but the inherent capabilities of the estates are much the same, and therefore they will, or at least ought to, be able to pay much the same revenue rate per acre all round. Those estates which, being imperfectly developed, cannot yet pay this general rate, will in due course be able to do so when fully developed.

22. Now, inasmuch as it is laid down that the Land Tax in an estate ought to be equal to half the assets received by the landlord, or in other words, half the rent or other income derivable by the landlord from the land, it follows that the best possible basis for the revenue assessment is the rental. If the fair rental could be readily ascertained, it would supply perfect data for such assessment. But it is often difficult or impossible to ascertain accurately the fair and proper rent which a landlord does receive or should be receiving from an estate. The returns of rent are frequently defective or untrustworthy. Again, many items of *bonâ fide* income from the land are not fully exhibited in the declared rental. In some parts of the country average rent rates exist and are well known; these furnish excellent guides for the valuation of estates. But in many portions of the country, especially where the proprietary body for the most part cultivate their own lands, rent rates are not generally known. Thus it happens that the Settlement Officer, while collecting and collating all obtainable statistics in regard to rent, must yet check or supplement the returns of rentals by assumed rates, which rates are deduced from the ascertained value and proceeds of the land. In this manner assumed rent rates and assumed revenue rates are obtained. In order, therefore, to determine details in each estate there will be various revenue rates of assessment assumed by the Settlement Officer; such as a rate for irrigated ground, another for unirrigated; a rate for land fertilized by inundation, another for dry land; a rate for black soil, another for poor soil; and so on. So also there will be one rate for cultivated land generally, and another for culturable though uncultivated land. It is not to be expected that all the culturable land will be cultivated, or that all the culturable land should pay the full rate of assessment on cultivation. A fair margin of culturable land will be allowed to the landholder which should be assessed at some rate much lower than that of the cultivated area. The rate assessable on culturable land must be low. If the proportion of culturable land to the cultivated land be small, then the estate, being for the most part cultivated, will be fit for a Permanent Settlement. If the proportion of culturable land be large, then the estate, being less cultivated, will not be fit for Permanent Settlement. It may be generally assumed that those estates in which four-fifths of the culturable area are cultivated, are fit for a Permanent Settlement.

23. Then having regard to all the circumstances of the tract, to its past history, its present condition, its future prospects, to its actual or probable rental so far as that might be ascertainable, to the irrigation, the kinds of soil, the resources of the waste and the like, allowing also for lands for pasturage, and other necessary objects which might be left free of Land Tax, the Settlement Officer would fix one general revenue rate per acre for the total culturable area, including land actually cultivated and land yet remaining to be cultivated. There would be various rates as already mentioned for the determination of details in each village, but the general acreage rate as above described would be the main standard by which the estates would be valued either in the present or for the future. This general acreage rate would be fixed on a fair and moderate calculation, so that the average of well-cultivated and developed estates would be able to pay it.

24. Regard would also be had especially to the fiscal history of the tract, to the actual pressure of the revenue upon the estates of a fair average quality, so that the estimates of the assets of the estates may be checked by the data of positive experience. This general acreage rate, then, being the standard of valuation, the Land Revenue for all the estates in the tract would be fixed according thereto. The revenue (jumma) would be assessed accordingly for each estate, whether it were fully or imperfectly cultivated, or whether it were partly or chiefly waste. Thus there would be obtained a fair valuation of the actual or the possible assets, and of the present or prospective capabilities, of each estate. For those estates, then, in which the proprietors might accept the assessments ("jumma") thus fixed, the said assessment might properly be now declared perpetual. For those estates which did not come up to this standard, and in which the proprietors could not accept the assessment thus fixed, a Settlement would be made on existing assets for thirty years certain; but still the assessment (jumma), according to the ultimate valuation, would be recorded, and the proprietor would be informed that if after the expiry of the 30 years he should accept the ultimate jumma as now assessed, he might do so without further enquiry or re-settlement, and that that assessment would be thereafter perpetual.

25. The proposed Rules may be thus illustrated: let us suppose a tract containing villages of generally the same character, but in various stages of cultivation; let a rate of Rupees 3 per acre be assumed for the best cultivated or irrigated lands, Rupees 1-8 for the second best, and annas 4 for land culturable, but not yet cultivated. Let us suppose also that the Settlement Officer has decided on Rupees 1-8 per acre as the general acreage rate above described for the whole culturable area, including both land cultivated and land remaining to be brought under cultivation.

26. Then let us take Estates A., B. and C., which are well cultivated, but which have differences in detail. It will be understood that the unassessed land, such as unprofitable waste, site of village, land exempted from revenue (commonly called rent or revenue-free), and the like, are in all cases excluded, so that only the malgoozaree or assessable lands are included,—

ESTATE A.

Acres.		Rs.	As.		Rs.
75	×	3	0	=	225
350	×	1	8	=	525
75	×	0	4	=	19
500					769 assessment on present assets,

or by general acreage rate, acres 500 × 1-8 = Rupees 750.

ESTATE B.

Acres.		Rs.	As.		Rs.
83	×	3	0	=	249
317	×	1	8	=	475
100	×	0	4	=	25
500					749 assessment on present assets,

or by general acreage rate, acres 500 × 1-8 = Rupees 750.

ESTATE C.

Acres.		Rs.	As.		Rs.
50	×	3	0	=	150
390	×	1	8	=	585
60	×	0	4	=	15
500					750 assessment on present assets,

or by general acreage rate, acres 500 × 1-8 = Rupees 750.

27. Now, in these estates the assessment on the present assets about equals that of the ultimate valuation, and might now be declared perpetual. On the other hand, it leaves a fair margin for improvement. The proprietors may convert, by irrigation or other means, a portion of their second class land into first class, or they may bring the culturable under cultivation, and thus much enhance the value of the estate; and still there will never be any increase of demand.

28. Next, take an estate in a slight degree inferior, as D.—

ESTATE D.

Acres.		Rs.	As.		Rs.
75	×	3	0	=	225
325	×	1	8	=	487
100	×	0	4	=	25
500					737 assessment on present assets,

or by general acreage rate, acres 500 × 1-8 = Rupees 750.

In this case the estate is only just below the proper standard. The proprietor may be assessed at the Rupees 737 for thirty years certain, and at the next Settlement he knows that he may accept the Rupees 750, which will then be declared a perpetual assessment without further enquiry: so this estate virtually has all the advantages of a Permanent Settlement.

29. Next, take two Estates E. and F., which are not fully developed, though possessing similar capabilities.—

ESTATE E.

Acres.		Rs. As.		Rs.
100	×	3 0	=	300
150	×	1 8	=	225
250	×	0 4	=	62
500				587 assessment on present assets, or

by general acreage rate, acres 500 × 1-8 = Rupees 750.

ESTATE F.

Acres.		Rs. As.		Rs.
100	×	3 0	=	300
200	×	1 8	=	300
200	×	0 4	=	50
500				650 assessment on present assets,

or by general acreage rates, acres 500 × 1-8 = Rupees 750.

30. Now Estates E. and F. would be assessed at Rupees 587 and 650 respectively for thirty years certain; but the Rupees 750 would in each case be recorded as the ultimate standard of valuation, and the proprietors would know that, if after expiry of the term, they should choose to accept the Rupees 750, they might do so without further enquiry, and that this amount, *viz.*, Rupees 750, would thereafter be declared perpetual. But they would know also, that if they should not accept the Rupees 750 on expiry of the thirty years, they might still claim a re-settlement on the assets which might at that time be existing.

31. Or, further, take an estate of similar capabilities, but less developed, as Estate G.—

ESTATE G.

Acres.		Rs. As.		Rs.
50	×	3 0	=	150
100	×	1 8	=	150
350	×	0 4	=	87
500				387 assessment by present assets,

or by general acreage rates, acres 500 × 1-8 = Rupees 750.

Now suppose that in this case the proprietor is a man of some capital and enterprise, then while assessed at Rupees 387 for thirty years certain, he knows that if he shall largely improve his estate, he will never have to pay more than Rupees 750, and that after the expiry of the term, he may accept this amount without further enquiry; but that if he should not be in a position to accept this assessment, he might still claim a re-settlement on the assets which might then be existing. The assurance of a known ultimate limitation, which might be optionally accepted, would prove a great encouragement to his industry.

32. Or, again, take an estate in which the assessment by assets brings out a larger sum than that by the general acreage rate, as Estate H.—

ESTATE H.

Acres.		Rs. As.		Rs.
200	×	3 0	=	600
250	×	1 8	=	375
50	×	0 4	=	12
500				987 assessment on present assets,

or by general acreage rate, acres 500 × 1-8 = Rupees 750.

Now here it would be for the Settlement Officer to decide whether, before declaring a Permanent Assessment, he would allow a reduction *below* the amount given by present assets. Though that amount may not in this case be in one sense excessive, still the high valuation arises evidently from the expenditure of capital on the first class land; and if it be desired that the land tax should not press hard on agricultural capital, then some assessment more nearly approaching to the Rupees 750 would be proper. Whether the assessment should be brought down quite so low as Rupees 750 would depend on special considerations, such as the amount which the estate had been previously in the habit of paying, the presence or otherwise of exceptional advantages in respect to irrigation, and the like. It is evident that, practically, there can be no need to reduce unduly the revenue in villages which have flourished under a higher assessment.

33. It appears to me that the plan, as thus illustrated, would confer many of the advantages of a Permanent Settlement on the holders of estates not yet fully cultivated or developed; while, on the other hand, it would save the State from any undue sacrifice of revenue. We may remember that while the advantages of a Permanent Settlement are manifest, yet it has two fiscal drawbacks, namely, *first*, the surrender of revenue on the increased value of crops and improved cultivation; *second*, the surrender of revenue on lands culturable, or on waste possessed of valuable resources which may

hereafter be brought under cultivation, or be otherwise turned to useful account. It is agreed that the State may surrender properly the future revenue from improvement in the crops and in the style of cultivation, in consideration of the advantages derived from a Permanent Settlement; but the surrender of future revenue from the cultivation of land now uncultivated, or from the development of resources now undeveloped, cannot be advocated: and the plan I now propose would save the State from any such sacrifice.

34. But as regards the people the plan would have the advantage of supplying a motive and incentive to industry and enterprise, inasmuch as the landholder, while obtaining a fixed assessment for thirty years, at all events, would know the utmost limit of possible revenue which might be demanded after the expiry of that term. It is this prospective limitation, even *after* the expiry of the term of Settlement, which is the particular advantage of the plan now proposed, and which is calculated to ensure many of the benefits that evidently attend any permanent limitation of demand.

35. Doubtless a Settlement for any long fixed term does so far stimulate industry and improvement A man knows that if he improves his estate, he is safe from increased assessment for thirty years. But still he knows that after that term there will be enhancement of revenue on account of improvements, though how much that will be he does not know. An indefinite prospect of increase at the next Settlement is present to his mind. It is certain that this apprehension does, in some degree, retard improvements, and is specially operative as the term of Settlement draws to a close. Moreover he knows that, though he is safe from enquiry for thirty years, yet *after* that he will be liable to re-settlement, and his assets will be enquired into: this knowledge also in some degree does practically deter people from effecting as much improvement as they otherwise would. But with the proposed plan, the future revenue on increased cultivation or improvement at next Settlement would not be indefinite, but, on the contrary, would be strictly limited, not only for the next Settlement, but for all time thereafter. Nor would there be any apprehension of re-settlement and future enquiry; on the contrary, it would be known that, if the maximum assessment were accepted, there would be no re-settlement and no future enquiry. Thus, a man would know that he was safe from increased demand for a fixed term, and that after that, he would not be charged with more than a certain limited increase, however much he might improve his estate now or hereafter. There can be no doubt that such a prospect would promote exertion and enterprise, both during the thirty years and during the period after that; the advantages would be quite intelligible to the people, and would probably be appreciated by most of them, and if the maximum increase had previously been fixed at fair and moderate rates, it would probably be accepted without any further enquiry being asked for. To those who had sufficient intelligence and foresight to appreciate the advantage, a powerful stimulus would be supplied, and those who did not appreciate it would in no wise be obliged to accept the terms. No increase would be demanded of them, without enquiry, at the next Settlement. If they did not accept the maximum previously fixed, they might have a fresh enquiry, and a re-settlement would be made according to that.

36. In short, the question may be put thus,—

Every intelligent landholder under a temporary Settlement, who improves his estate, knows that at the next Settlement there will and must be an increase of revenue.

Will a man, then, foreseeing this, prefer an indefinite prospect of unknown increase, *with* re-settlement and enquiry, which would be the case without the plan now proposed?

Or, would he prefer a known fixed increase which would never, under any circumstances, be enhanced and which might be accepted without re-settlement and enquiry, which would be the case with the plan now proposed?

I think that he would certainly prefer the latter, and that he would be thereby induced to improve his estate.

37. It may be objected to this plan that there will be difficulty in now assessing the revenue to be paid in future on culturable lands not yet cultivated, and that the ultimate maximum demand will be liable to error. But practically it is possible to assess on culturable waste the revenue which such waste would pay if it were now cultivated, and the assessment so fixed would not be materially different from that which is fixed on lands already cultivated. The one therefore would be as trustworthy as the other, and both may equally be made the basis for a permanent limitation of the demand. The various kinds of soil in the culturable waste will be the same as those in the cultivated lands. The produce which the culturable land could bear, if cultivated, is well known from the analogy of the cultivated lands in the immediate neighbourhood. A decision, therefore, of what the culturable waste ought to pay, if cultivated, is nearly as valid as the decision of what the cultivated lands are now to pay. It may be that the assessment now fixed on culturable land will, some 30 or 50 years hence, appear light, when those lands shall have become cultivated, owing to the outlay of capital, the general improvement of the country, the opening out of roads and markets, and other changes. It is true that the effect of such changes cannot be fully foreseen; but that would not really be an argument against the assessment being now fixed on the data of the present day. Let such an assessment be made. If hereafter the people can so improve the land, or if the general condition of the country can be so much raised that this assessment shall prove comparatively light, then they are, upon the fundamental principle of a Permanent Settlement, entitled to the benefit thereof. If the assessment now fixed on culturable waste shall prove too high, the people are not bound to accept it. If they choose to accept it hereafter, they are entitled to the profit therefrom derivable, by the same reasons for which the boon of Permanent Settlement is conceded.

38. I have given my attention to the remarks in paragraph 12 of Mr. Muir's second Minute regarding the Permanent Settlement as bearing on this subject. It is there said,—"The object

"of Native proprietors is not so much to obtain a permanent assessment as to obtain a permanently *low* "assessment."

I feel the force of this remark, though I think it goes somewhat too far. I would rather say that the landholder scarcely hopes to obtain a permanently low assessment. What he looks to is to obtain a fairly moderate assessment according to the value of land at the present time, and then to get that made permanent for all future time, so that he may improve without fear of enhancement. Now the plan proposed, while guarding the revenue against undue sacrifice, will yet fix a limit beyond which enhancement can never go.

39. Again, in the same paragraph it is said,—

"The proprietor is told that his estate is not sufficiently advanced for permanent assessment; that he is to go on improving it; and that when the cultivation has reached certain limits, the revenue then assessed will be fixed in perpetuity. This is in effect to expect that the proprietor will strive to accomplish results, the direct tendency of which will increase the demand of Government against him."

Here also I feel the force of the remark, but still I think that it goes too far. Every proprietor has known well that if he improved his estate, there would surely be increased demand on his estate. Notwithstanding that the landholders have improved and do still continue to improve their estates. We *might* therefore expect them to accomplish results which would increase the Government demand, inasmuch as they would themselves profit in even a greater degree. But so far as the argument has force at all, it is met by the plan proposed; for, in the case supposed, namely, that of an estate not sufficiently advanced for Permanent Settlement, the proprietor knows beforehand the utmost limit of future enhancement. If that be moderate, then he knows that, on working up to that, he will get a Permanent Settlement, and that however much he may work *beyond* that, the gain is all his own, as there can be no further enhancement.

40. It may be thought that the Native Landholders are by idiosyncracy and character disinclined to *work up to* a certain pitch of improvement, even though there be hope of thereby obtaining a Permanent Settlement. It seems to me that this will entirely depend on whether the ultimate limit of demand be moderate or not. If it be *not* moderate, or if it be excessive, then of course the proprietor will not work up to it, because it would be against his interest to do so. If it *be* moderate, or if it be light, then he may be expected to work up to it, because he knows that, having once done that he will thereafter secure to himself the exclusive benefit of further improvement.

41. Again, it may be thought that the people would regard the known limit of increase as the consequence of improvement, and would therefore keep improvement just below that limit so as to avoid the increase. But any such idea on the part of the people would be a mere misapprehension. If a proprietor did not think it worth his while to accept the maximum assessment without enquiry, and considered that he had not effected enough improvement to justify the increase, then he has only to decline it, and to claim a re-settlement on the assets of that time; but then such re-settlement would not be permanent, unless the assessment came up to the amount originally fixed; if it were less than that, it would be fixed only for a specified term.

42. If it be thought that the people are not intelligent and far-sighted enough to appreciate the prospective advantages of the plan proposed, then I have to observe that, as these advantages are cognate to those of the Permanent Settlement itself, the people might be expected to appreciate the one as much as the other. That the people really understand a Permanent Settlement, and set a higher value on land so settled, seems to be established beyond a doubt.

43. Such in general terms is the manner in which I should wish to see the Permanent Settlement carried out in those portions of the Bengal Presidency which are not yet permanently settled, such as the North-Western Provinces, the Punjab, Oudh, and other places; and I believe that by these means we shall best be able to apply the principles, so justly insisted on by Her Majesty's Government, to the actual circumstances and condition of this country.

(Signed) J. LAWRENCE.

Minute by the HON'BLE H. B. HARINGTON, *dated March* 1864.

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5. Her Majesty's Government having determined that a Permanent Settlement shall be introduced wherever the state of the country fulfils certain conditions, it only remains to be considered what measures shall be adopted with a view to give effect in the best mode, and at the earliest possible period, to the decision so far as the North-Western Provinces are concerned.

6. I have already expressed it as my opinion that, with exception, perhaps, to the four Districts marginally noted, the Settlement of which has recently undergone revision, none of the other temporarily settled Districts in the North-Western Provinces could be admitted to the benefit of a Permanent Settlement without a full and careful revision of the current Settlement to be made very much in the same detail, in the same mode, and by agency of the same character as the Settlements now in progress. I understand this to be also the view of the Governor General.

Seharunpore, Boolundshuhur, Mozufferuggor, and Goruckpore. (As regards Goruckpore see the next paragraph).

7. As regards the District of Goruckpore, to which allusion is specially made in the 10th paragraph of His Excellency's Minute, I observed in the note to which I have already referred,—"from what I "know and have heard of this District, I should much doubt whether, notwithstanding the large

"addition, made at the Settlement recently concluded, to the amount at which the District was pre-
"viously assessed, the present assessment could be declared perpetual without involving a considerable
"loss of revenue, not of course immediately, but after the expiration of the period to which the
"existing Settlement is limited."

8. I agree with the Governor General that the fact of some parts of a District, or of some estates in a District, not fulfilling the conditions laid down as necessary for a Permanent Settlement, ought not to prevent the admission to the benefits of a Permanent Settlement of those parts of the District, or of those estates in a District, which do fulfill the prescribed conditions. To exclude some, and, perhaps, the majority of the estates of a District, from a Permanent Settlement, because a few estates are not in a state to admit of this benefit being conferred upon them, would not, in my opinion, be just, and it is certainly not called for by considerations of public policy.

9. I also agree with the Governor General that all estates in which 80 per cent. of the land is *well* cultivated, may at once be permanently settled. Here and there, owing to locality or other causes, a somewhat less amount of cultivation might be accepted as fulfilling the prescribed conditions of a Permanent Settlement, but the rule should be as above stated, and it should only be departed from on special grounds to be fully reported.

10. The measure proposed by the Governor General in respect of estates which, owing to the large quantity of culturable land still remaining uncultivated, are not yet fit for a Permanent Settlement, no doubt, recommends itself by its great simplicity, by the encouragement which it would afford to the holders of estates in the condition mentioned to bring them up to the prescribed standard of cultivation, and by the advantages which it holds out to those who should succeed in so improving their estates. The measure has also this further great recommendation, that it would, to the extent to which advantage was taken of it, obviate the necessity of future revisions of Settlement, which entail so large an expenditure of money, and are often attended with so much harassment to the people.

11. But a careful consideration of the measure, aided by the knowledge which we possess of Native habits, suggests a doubt whether what is proposed would be as effectual as supposed, and whether, without some greater degree of certainty that the measure would be successful than I think exists, the Government would be justified in binding itself, while leaving perfect freedom of action to the other party to the contract.

12. Thirty years is a very long time, and the prospective advantages to be obtained after they have elapsed would, I fear, exercise but a small amount of influence on the majority of Native landholders in inducing them to employ the intermediate period in doing what would be essential to the enjoyment of those advantages.

13. The proprietors of estates in the condition mentioned would know that without any exertion or outlay of capital on their part they would not be in a worse condition at the expiration of the temporary or 30 years' Settlement than at its commencement, and with the usual apathy of the people of this country it is to be feared that they would be quite satisfied with that condition and desire no alteration. They would probably argue that many changes might take place in the ownership of their estates during the intervening thirty years, that when the time for claiming a Permanent Settlement arrived, the property might be in the hands of distant relations, or of strangers to whom the proprietary right might have passed by private transfer, or by means of a sale in execution of a decree of Court, or in satisfaction of arrears of public revenue, and acting upon the maxim that "sufficient for the day is the evil thereof," they would probably go on from year to year doing little or nothing in the way of increasing or improving the cultivation so as to enable them in due time to exercise the power reserved to them of claiming a Permanent Settlement. The consequence would, I fear, in most cases, be that at the end of the thirty years the estates would be found in as backward a state as they were at the commencement of that period.

14. Upon the whole, I am disposed to doubt the expediency of the Government tying itself down in any way, or coming under any positive engagement, in respect of estates which are not as yet in a condition to warrant their being settled in perpetuity. If the percentage of well cultivated land, which the Governor General proposes shall ordinarily give a claim to a Permanent Settlement be accepted, the number of estates in the North-Western Provinces which, at the next revision of Settlement, will be found to possess this qualification, will probably be very large. In the Permanent Settlement of these estates the Government will afford the strongest assurance of their desire to extend the benefit of a Permanent Settlement to all parts of the country in which the land revenue is still subject to periodical revisions, and the proprietors of estates not yet in a condition to receive the boon will have the best guarantee that could be given, that their exclusion from the benefit is only for a time, and that, as soon as they advance their estates to the required condition, the boon will be extended to them also.

15. At the same time I quite concur with the Governor General that every revision of Settlement now made should be in such detail as regards not only the lands under cultivation, but also the lands which, though culturable, remain uncultivated, showing both the extent and character of such lands, and what may be considered as a fair rent for them when brought under cultivation, as will admit of any temporary Settlement based upon the results of the revision so made, being converted into a Permanent Settlement at any time during the currency of such temporary Settlement, or after the expiration of the term for which it is concluded, without any further revision. This will be something gained.

16. I should hope also that, at the next revision of Settlement, something may be done for placing the relations of landlord and tenants having the right of occupancy on a satisfactory footing, thereby remedying the admitted defects of Act X. of 1859 in respect to the grounds on which enhancement of rent can be claimed from a tenant possessing the right above-mentioned. The Officer revising

the Settlement should have no difficulty in adjusting the rents to be paid by tenants having the right of occupancy, and in regulating the grounds on which, and the extent to which, any future enhancement shall be claimable.

17. The record of rights should likewise be very carefully prepared with a view to prevent future litigation as much as possible, and to aid the Civil Courts, when any dispute arises relating to the under-tenures of an estate, in coming to a right decision.

18. I have seen the remarks made by the Members of the Board of Revenue at Allahabad (Messrs. Muir and Money) on the Governor General's Minute, which was communicated to them demi-officially, with regard to the proposition that estates, to which a Permanent Settlement could not be immediately extended without a considerable sacrifice of revenue, should be assessed with a progressive *jumma*, which, on reaching after a given period the maximum amount at intervals of some years, should be permanent. I fear that it would often happen that the time allowed for extending the cultivation so as to enable the estate, from its increased rent roll, to pay the amount of revenue to which it was proposed that the Government demand should be limited for ever, would be permitted to pass with little or no improvement; and that when the time arrived at which the assessment should become permanent, the Government would be obliged either to relax the terms of the Settlement, or, as an alternative, to remove the proprietor and let the estate in farm in the hope that a stranger might be induced to do what the proprietor had failed to accomplish. But I cannot think that this would be desirable or expedient.

19. Want of capital or the difficulty of procuring labour might be the cause of the failure of the owner of the estate to effect what was required of him, or other causes beyond the control of the owner might have operated in the same direction, and it would be hard to inflict upon the owner of the estate, under such circumstances, the severe punishment which his removal from the management of his estate and its transfer to strangers, though only for a time, would be. I need scarcely say that the sympathies of the landed proprietors generally would be with the excluded landlord, and that any measure which involved consequences such as that mentioned would be exceedingly unpopular.

(Signed) H. B. HARINGTON.

Remarks by W. MUIR, ESQ., *Senior Member, Sudder Board of Revenue, North-Western Provinces, in reference to the Minute of His Excellency the Right Hon'ble the Governor General on the Permanent Settlement of the North-Western Provinces and other territories similarly circumstanced.*

THE above State paper has been transmitted demi-officially to our Board, in order that Mr. Money and myself may "look at it carefully in all its bearings," and furnish our opinions upon the views and proposals set forth therein. Such invitation removes the restraint otherwise inevitable to our Board in discussing projects which emanate from so high a quarter. I proceed, therefore, freely and unreservedly to state my views upon this important document.

Object of His Excellency's Minute.

2. The object contemplated in the latter portion of His Excellency's Minute is to secure the advantages of a Permanent Settlement for villages which, in consequence of undeveloped resources, cannot at present bear a full assessment; and to effect this without eventual serious loss to Government.

This object considered,—(1) as regards well advanced, (2) as regards backward tracts.

3. I propose to treat the subject separately,—*first*, in reference to Districts or portions of Districts in which, from the general development of resources, agriculture is well advanced, and rent at a fair level; *second*, in reference to Districts or tracts, where, from the backwardness of agriculture, much land is uncultivated, and the scale of rents depressed.

I. Principle of Minute suitable for first class.

4. So far as the first description of Districts or tracts is concerned, I welcome the principle laid down by the Viceroy; although certain important modifications in the details will, I think, be found expedient.

General principle stated.

5. The principle is to combine a Permanent Settlement, with a present temporary abatement in respect of estates which could not at once bear full assessment. Without resort to this expedient, the assessment must frequently be fixed at an inadequate sum, and consequent eventual loss to Government, if the benefits of a fixed demand in perpetuity are to be conferred upon all estates within Districts or tracts of the character above supposed. The proposed plan will enable us to meet the claims both of the State and of the proprietors; to secure to the former an eventual fair revenue; to concede to the latter a temporary remission for a period within which they may bring their estates up to a standard equal to the full revenue; and to gain for both, and for the country at large, the general advantages of a Permanent Settlement.

Modifications recommended in details.

6. But although approving the principle thus broadly stated, I do not think that the particular mode in which it is proposed to be applied will work to the advantage either of Government, the proprietors, or the country generally.

7. It is proposed that for partially developed properties a present Jumma proportioned to the existing value of each, be fixed for the term of the coming Settlement, that is for thirty years; and a full Jumma, to take effect (unless the Zemindar should then object) at the close of the Settlement. When that period arrives, should the Zemindar object to the enhanced Jumma, and demand investigation, then a fresh measurement and valuation would take place, and a Settlement be made on the assets of the day. The benefit looked for is that a proprietor being assured of the maximum Jumma beyond which Government has become bound never to enhance the demand, would set himself zealously to improve his estate, and expend capital thereon, in the confidence that, however much he might enhance its value, the whole profit beyond such maximum would surely and without risk be his own.

Objection against leaving the option to refuse standard Jumma hereafter.

8. It appears to me that the scheme of leaving the Settlement to be accepted at a future period, and if refused, making it then open to revision, would involve some serious objections, and in a certain measure forfeit the important benefits of an absolutely Permanent Settlement. The ultimate assessment may be pitched too high, or, if not absolutely too high, the proprietors may conceive that it is so; at any rate, many of them will hope that, if they object and apply for a fresh measurement and valuation, they may obtain reduction. The bare chance even of securing such a boon would lead very generally to that result; by the terms of the Minute, the proprietors would be secure from any enhancement beyond the guaranteed maximum, while they might obtain a lower assessment, possibly lower even than that which they had hitherto been paying.

Zemindars will hereafter ask for revision in hope of obtaining reduction.

9. I submit that the probability of such a contingency makes the proposed measure essentially different from a Permanent Settlement. The benefits of a *fixed and conclusive* demand would not be certainly obtained; the people would still be often left in expectancy. In some cases, it is true, where the maximum might be pitched *very* low (so low, in fact, as to leave no chances of reduction under any future standard of assessment however moderate), the measure would, I admit, be followed by benefits "cognate to those of a Permanent Settlement," as set forth in paragraph 42 of the Minute; but I believe that unless a standard very losing and disadvantageous to Government be adopted, such cases would be the minority. In the remainder, we should have all the evils repeated of our temporary Settlements. As the thirty years drew to a close, hopes would spring up in the minds of the Zemindars of obtaining better terms; not only would the application of capital and labour be checked, and the vigour and energy inherent in the desire after improvement be paralysed, but device and artifice would be resorted to for the purpose of depreciating in appearance, if not in reality, the value of estates; wells would be masked, and the richer staples foregone for the time in favour of the poorer; in fact the virtue of the Permanent Settlement would be lost, and the evils which it sweeps away for ever would revive in all their vigour.

Which will neutralize benefits of Permanent Settlement.

10. To obviate this, I would propose,—*first*, that the Permanent Settlement be *concluded* as such at once with the Zemindars; and *second*, that the highest term or maximum demand be not deferred for a period exceeding fifteen years.

Remedy proposed.

11. When the new assessments are declared, the proprietors should in all cases be required definitively to enter into the prescribed engagements for the same. If the permanent (or maximum) assessment take effect at once, the proprietor will sign his *durkhast* or engagement for it; if, on the other hand, a temporary abatement be allowed, and the maximum take effect in 5, 10 or 15 years, he would equally be called on to sign his engagement at the permanent demand with specification of the temporary reduction. Thus the Settlement will be final and conclusive. When the term of the reduced demand expires, the maximum assessment will come into operation as a matter of course, leaving no possible ground of uncertainty. The evils spoken of above will be avoided, and the full benefit secured of a Permanent Settlement.

Proprietors should engage at once for standard assessment.

12. But for this purpose it is necessary that the term after which the maximum assessment will take effect be not too distant. It should not be so far off as to render the prospective enhancement a matter of personal indifference to the proprietor, in short a mere speculative transaction. The period of thirty years would, I apprehend, be so. Why, thirty years is the measure of a whole generation! Proprietors having obtained favourable terms for the present, would agree to almost any arrangement so remote. It would hardly come into effect in their time, and a score of contingencies might intermediately transpire. "They would say," writes an experienced Settlement Officer, "*dekha chahiye kiska raj jab hoga*"—"Who knows what Government we shall have by that time." Even among races far higher in the scale of civilization, it is only the thoughtful and educated who live out of the present: and from a people so wanting in energy and desire of improvement, so contented with the position they have inherited from their forefathers, as are the inhabitants of India, it is too much to expect that they would seriously consider the bearings of an arrangement to be postponed for thirty years. Enough for them, that they secure the benefits of a present low assessment, and know that they, or their children after them, will have the option of declining the higher standard Jumma.

Which should not be too long postponed

13. But it would not be so if the term were limited, according to circumstances, to 5, 10, or even 15 years. The Zemindar would here feel directly and personally concerned; he would at once turn his thoughts deliberately to his fallow lands and other latent resources of his property, reckon their extent and

But take effect within 15 years at latest.

value, estimate the labour and expenditure necessary for their development, and, comparing the cost with the expected profit, determine whether the maximum assessment now demanded is moderate or excessive. If satisfied of its fairness, he would accept it and enter forthwith into engagements. If dissatisfied, he would decline the engagement, and urge his objections.

Which will provide a valuable check on over-assessment.

14. And herein, to my apprehension, lies one great virtue of this procedure. The acceptance, or refusal, by the Zemindar would be of essential service *as a guide to the Settlement Officer, and as a check upon over-assessment.* Who should know the capacities of the fallow ground so well as the Zemindar himself? He is familiar with every inch of his land; has watched it under all varieties of season and circumstance, and is acquainted with each attempt which, in times past, has been made to bring it under the plough. Who so competent as he, or so vigilant, to limit its assessment within safe and reasonable bounds? If the maximum demand be frequently refused, it would be a fair warning to the Settlement Officer, and a valuable index to his superiors, that the standard of valuation for fallow had been pitched too high.

Penalty in case of continued refusal.

15. In any case of refusal, that is where the Zemindar should accept the present abated assessment, but decline the prospective maximum, he should be allowed to hold on for the preliminary term. At its close he might again be allowed the option of engaging at the permanent demand; and if he still refused, the estate might be farmed in the ordinary manner, as for recusance. In short, there would be no opening for revision. The assessment once fixed would be final.

Proportion of waste should be left to Settlement Officer's discretion.

16. It has been suggested by an intelligent Settlement Officer that a proportion should be fixed of fallow land, say 40 or 50 per cent. of the cultivated area, as the condition of a graduated assessment. But I should not think it expedient to fix any mechanical rule of this nature. As I have before written, "Fallow land is of every variety, good, bad and indifferent: from that class which is barely culturable, and which is not brought under cultivation till rent has reached its utmost limit, to the best descriptions which are left out of cultivation purely from indifference, indolence, or want of labour and capital.... A similar remark obviously occurs in reference to that class of lands which bear cultivation only for a certain number of years, and are then abandoned, to be taken up again at some future period."* Where the waste is rich and promising, with facilities for irrigating, draining, manuring, &c., a far smaller proportion of land would render the proprietor liable to prospective increase of assessment, than where the soil is poor, or subject to lie fallow in rotation. In case of reasonable doubt as to certain tracts of waste land being too barren ever to admit of remunerative tillage, the benefit of the doubt should invariably be given in favour of the proprietor, and the land altogether omitted from calculation of prospective assessment, excepting of course the value of its spontaneous produce.

And rates of assessment.

So also as to the *rate* of assessment; there may be instances where the fallow soil is so rich and the advantages of situation so great as to justify assumption of a rent rate for eventual assessment equal even to that of the lands now under cultivation. Generally, however, a much lower rate would be necessary, chiefly because it is natural to conclude that the best land is always first brought under the plough, and that what remains, being less fruitful, will require a greater expenditure of capital in proportion to its returns. On the other hand, it is found that when waste lands have been reclaimed, and there is no farther capacity of extending cultivation, the scale of rent tends from competition upwards.

Too much stress must not be laid on average revenue rates. These, while essential as a standard of comparison, are misleading and dangerous if applied without careful advertence to individual features. In extensive tracts or clusters of estates, it is seldom indeed that the soil is so exactly uniform as to warrant the application of an average rate for the assessment of each; by no amount of classification (and minute classification is inconvenient and objectionable,) could a Settlement Officer so group villages as practically to avoid associating in the same grade lands greatly varying in natural capacity. Wherefore, to justify any assessment at the average rate, the Settlement Officer must satisfy himself that in point of fact the particular land is not materially below the average, nor materially above the average. A settlement formed by the procrustean application of an acreage rate would be equable and fair neither in respect of Government nor the people. The process of assessment is one of discretion; and it is just here that the Settlement Officer's ability and judgment are put to the severest test.†

And margin of land for grazing, &c.

The margin likewise to be left for grazing and other village purposes must equally depend on circumstances. In some districts and localities, as in the poorer tracts of Bundlekhund, no doubt more is required than where, the soil being rich, straw and stubble are produced plentifully with the grain crops.

Above points to be explained in village statements.

In all these respects we could lay down no positive rule with advantage; we must trust to the discretion of the Settlement Officer, who will give his reasons fully in the English statements for each village.

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* Note on Sir Charles Trevelyan's Financial Statement, paragraph 5.

† For the reasons here given, I am opposed to the use of "acreage rates" in the manner illustrated in paragraphs 25 *et seq* of the Viceroy's Minute, since they would tend to produce serious inequality. Take, *e. g.*, the following examples of an estate with area and rates as there assumed—

Acres, cultivated, first Class,	200 at	Rs.	3	0	0	Rs.	600	0	0
„ „ second „	50 „	„	1	8	0	„	75	0	0
„ culturable waste „	250 „	„	0	4	0	„	62	8	0
Total by Revenue rates, Rs.							737	8	0
Or by the acreage rate, „							750	0	0

17. Observations of a similar tenor apply to the length of the preliminary period of temporary abatement, and to the number of terms (if any) of graduated assessment. It might be laid down that the full permanent Jumma should in any case be fixed at not later than 15 years from the date of settlement; but it might have effect according to circumstances and earlier prospect of the waste being reclaimed at a shorter date: the terms of five and ten years might be adopted for that purpose. It might also be in the discretion of the Settlement Officer to fix an assessment rising by one, two, or three terms, to the highest or maximum demand.

Graduated assessment.

18. I have no doubt but that 15 years is a quite sufficiently long period to admit of the development of backward estates in those parts of the country to which the present remarks refer. Any expected improvement stretching beyond that period must belong to the region of distant speculation; and in the practical work of assessment will be far more safely left altogether out of account. With the grand inducements offered by a final and conclusive settlement of the revenue in perpetuity, sufficient stimulus will be given to achieve all those improvements which can justly and reasonably be admitted into calculation as the basis of eventual assessment.

Fifteen years sufficiently long.

19. Indeed the system thus understood is not an untried one. It was well known under the former settlements as that of a "russuddee," or graduated, assessment. And it succeeded well wherever the final term, or "kamil Jumma" was kept sufficiently low. Many of my own settlements of the deteriorated and broken down estates in the Calpee and Jelalpore Pergunnahs were made thus; in some instances the full assessment was postponed so long as 16 years. I lately passed through that part of the country, and (the full demand having been now for some time attained) found that these villages had recovered under this system, and were prospering.

Graduated assessments common under former settlements.

20. But it is essential to success that the later terms should be moderate. And as it was found, in practice, that in fixing such rising Jummas the tendency in the Settlement Officer's mind *was to expect too much*, and, consequently, *to pitch his ultimate demand too high*, the system of "russuddee," or graduated assessments fell into disrepute. The prospect of a heavy and rising demand in the future casts even by anticipation a shadow of gloom and hopelessness over an estate; as the higher terms are reached, the proprietors become involved and break down under over-assessment, and hence the expedient often resulted in failure and damage. I have, therefore, acquiesced hitherto in the line of instructions which our Board have now for many years issued in discouragement of "russuddee" settlements. But, as above explained, the system, judiciously and cautiously used, is capable of being applied with certain success. From the past, indeed, we have gained the experience that it is liable to abuse. In applying the same system to the Permanent Settlement, it will be necessary not only to caution our Officers against the risk of estimating future improvement too highly, but for the supervising authorities themselves to see that this tendency is nowhere yielded to.

Danger of over-rating the waste, and pitching ultimate demand too high.

21. In order to secure these objects, a carefully prepared set of instructions will be required for the guidance of the Settlement Officers. These would embrace the following leading points:—

Instructions proposed for Settlement Officers.

1*st*.—Settlements would ordinarily be concluded at once at the standard Jumma.

2*nd*.—Where a village is so backward that it could not at present bear a fair assessment, the standard Jumma may be postponed for a term of 5, 10, or 15 years, according to the extent of unreclaimed land and prospect of improvement, and a lower assessment may be fixed for the present. If there is a likelihood of the improvement being rapidly progressive, the Settlement Officer may in his discretion make the Jumma rise at any one, or at each, of the terms specified.

3*rd*.—The Settlement Officer should fix for each pergunnah, or tract, or class of villages, a certain percentage of fallow land, which may fairly be allowed to pass unquestioned: the grounds on which the percentage is fixed will be explained in the Settlement Report. Wherever this proportion is exceeded, he will make it a point to consider whether the character of the waste land affords fair expectation that it will be reclaimed. If there be reasonable ground of doubt, he will decide against assessing it, excepting for its spontaneous products. If otherwise, he will assess upon it a sum, cautiously calculated with due advertence to the actual capacity of the land, and the labour and capital required to bring it under tillage. Great circumspection will be needed in not rating fallow land too high. In case of doubt, the Settlement Officer must incline to the lower estimate. The "malgoozaree" rate of the pergunnah, tract, or class, will afford a useful standard; but even that will often be excessive, seeing that the least profitable lands are generally the last to come under the plough. The Settlement Officer will invariably inspect the fallow lands with his own eyes, and take all means in his power by local inquiry to test their value.

Here, as proposed in paragraph 28 of the Minute, the Settlement for 30 years would stand at Rupees 737 with a maximum assessment after 30 years of Rupees 750.

But it is quite possible to suppose this to be a village in which the cultivated lands are under average, and instead of being valued at Rupees 675, might be rateable at only Rupees 500; and further, that the waste is hardly worth the labour of breaking up. Even the present assessment of Rupees 737 would, for such an estate, be excessive.

On the other hand, it is equally possible for the same figures to represent a village in which the cultivated lands are above average, and the culturable waste perhaps fully equal to it in natural capacity. Consequently, at the end of 30 years, the rental might possibly be estimated thus—

Acres, cultivated,	first class,	450 at	Rs. 3	0	..	Rs	1,350
„ „	second „	50 at	„ 1	8	...	„	75
						Total Rs.	1,125

So that this village might be even lightly assessed at Rupees 1,400, or nearly double the assessment assumed at acreage rates; while the former village would, at the same rates, be greatly over-assessed.

These are of course extreme and unlikely cases: but there may occur every shade of variation between them, and as it is held in paragraph 33 of the Minute, that the State is not justified in relinquishing its future revenue from the reclamation of land now fallow (meaning naturally thereby a full revenue at fairly adequate rates, and not a mere nominal acreage), it appears to me that the insufficient assessments of which the second example may be viewed as a type would be inconsistent with the principle declared in that paragraph, while those of the first type would bear hardly on the people.

4th.—In all cases where the proportion of waste exceeds the percentage before noticed, the Settlement Officer will explain at length, in the remarks of Statements II. and III., the grounds on which he has either allowed it to pass unassessed, or on which he has fixed the demand above or below the average rates, and the reasons which have led to the adoption of a shorter or longer term after which it has to come into effect, or of a graduated assessment or otherwise.

5th. -The number of cases, if any, in which the Zemindars have declined the standard Jumma, will be stated with due explanation.

Districts already assessed, how to be treated.

22. In regard to the Districts of which the settlement has already been revised,* it will be necessary that the whole of the work be gone over again by competent Officers, such as I believe are either on the spot, or easily available; and in every case in which the proposed assessment may be found to fall materially short of a fair standard Jumma, the arrangement must be revised, and the settlement concluded on the principles above laid down. This will involve delay and some expense, but both will be well rewarded. Indeed, under the principles expounded in His Excellency's Minute, the settlement of these Districts could not otherwise, with consistency, be declared perpetual. None of the new settlements have yet been sanctioned and approved by any authority superior to the Collector; they have all been concluded subject to the sanction and approval of the higher powers; so that they are open to any modification that may be deemed expedient and proper. The same opportunity can be taken to revise the arrangements regarding Cesses and Chowkeedarce Tax, the late orders regarding which will involve extensive changes of record and account.

Case of Goojur and other negligent proprietary castes considered.

23. I do not think that any serious or insurmountable difficulties will be met with in applying the above principles to the Settlement of any portion of the North-Western Provinces, with exception to certain tracts which will be noticed below. Nice questions may undoubtedly occur, on which there will be variety of opinion. These will be decided as they arise; but there is one class of cases possessing, perhaps, sufficiently general features to justify farther mention here. Villages farmed by Jats and Koormies afford far higher profits than those cultivated by Goojurs, Syuds and Rajpoots, and consequently they can bear, and ordinarily do bear, a higher assessment. How far, in the computation of a standard Jumma, are the rates prevalent in villages cultivated by the industrious classes to be applied to those occupied by the idle and negligent? The subject is adverted to in the Board's Settlement Circular Order No. 1, paragraphs 93 to 97. Of the latter classes it is said,—"The Board desire to see them so fairly and moderately taxed as may oblige them to adopt habits of industry and management, or to transfer their lands to those who will make that use and improvement of them which is the right and duty of all good governments to enforce." At the same time the Board limit the application of this principle by the terms—"as far as practicable;" adding,—"They have no intention to force conclusions, or aim at an impossible equality." The Commissioner of Meerut is an advocate for a more stringent course. He would not only aim at equality of assessment on general grounds, but he regards it as an object desirable in itself that these classes should be fully assessed in order that they may be sold out for balances; and that, reduced to the position of cultivators, they may make way for landholders of more enterprise and greater capital.* I cannot concur in such a view. In special cases, indeed, this course may be unavoidable; and it may be (and I believe has repeatedly been) followed with salutary effects. But to adopt any measure the result of which shall be the general and wholesale eviction of an extensive body of proprietors, cannot, I should think, be approved by any clement and enlightened Government. A measure so violent and sweeping, producing so sudden and extensive an unsettlement of existing rights, could not be justified either on political or economical grounds. I assume, therefore, that any such extreme view would not be sustained. It would be in the words of the Board "to aim at an impossible equality;" or, if possible, to aim at it by violent and inexpedient means.

Some are disposed to assess these at full rates.

* The following extract from the Commissioner's last Annual Report will illustrate his sentiments:—

"In estates belonging to Goojurs, and such bad subjects and bad cultivators whose lands are not half brought under the plough, the demand of half of the eventual capabilities of the estates could not possibly be enforced, even if the present owners were got rid of by sale, and industrious and energetic proprietors took their places, unless the new proprietors were men of capital who could afford to pay the excessive revenue. The assessment, therefore, on tracts so inhabited has been necessarily much too low.

"*Necessarily*, for though capitalists would come forward, indeed I believe European capitalists might be found who would soon transform these lazy thieves into orderly industrious cultivators, the propriety of ejecting wholesale those who will not develope the capabilities of the soil, who keep land waste which might be made to contribute food and wealth to the general stock, but who prefer to agriculture their present lawless habits, cattle-lifting and thievery, has not been recognized."

Others to afford them a perpetual settlement at inadequate rates.

24. But we may err on the other extreme. There are, for example, two Goojur Pergunnahs adjoining each other, Gungoh in Seharunpore, and Bedowlee, in Mozuffernuggur. In the former an endeavour has been made to assess as much as possible at the average standard of the District, and many complaints have reached the Board in consequence. In Bedowlee, on the other hand, considerably lighter rates have been adopted, and the assessment is believed to be lower than what might be yielded if even the present proprietors paid proper attention to their farms. Both the Viceroy and the Lieutenant Governor have seen an able paper by the Settlement Officer of the tract in question advocating that its revenue as now assessed should be made permanent. To impose a full standard Jumma either now or in prospect would involve the proprietors in depression and ruin, and would drive them to robbery and violence, habits to which by descent and inclination they are already too well inclined. The motives of a Permanent Settlement may be hoped to have some influence even upon these classes. The Goojur inhabitants of a tract similarly circumstanced have been reclaimed from thievish and lawless habits to order and industry, by virtue of the profits and prosperity attendant on canal irrigation. It is the

* Seharunpore, Mozuffernuggur, Boolundshahur, Goruckpore and Jaloun.

duty of Government to aim at similar results in Bedowlee, not only for the benefit of the people themselves, but in the interest of the country at large which now suffers from their evil habits. Hence it has been advocated that the assessment should be made perpetual.

The proposed system will admit of a middle course.

25. I believe that a middle course between these views will be found practicable and expedient. Without aiming at "an impossible equality," the assessment of Bedowlee may still be raised somewhat nearer to the general standard of the District, and the enhanced assessment may be appointed to take effect hereafter under the rules above proposed.

If Backward Districts and Tracts. Principle of Minute not suitable for such.

26. I now proceed to consider the backward tracts and Districts to which I would not advise that the above system should, for the present, be applied.

To fix now a prospective permanent demand would be to assess at haphazard.

27. In my Note upon Sir Charles Trevelyan's Financial Statement of 1863, it was not so much my object to urge that estates, generally situated in Districts or tracts ripe for a Permanent Settlement, should be admitted to its benefit, although I believe this to be highly expedient, and rejoice in the prospect of its accomplishment held out by the Governor General's Minute. It was rather my object to urge that the simple test of proportion of area under cultivation in each individual estate should not be held the criterion of ripeness for the Permanent Settlement *without adverlence to the general forwardness of the District or tract in which it is situated.* It appears to me self-evident that, in Districts or tracts like the Terai and Lullutpore, where agriculture is in the most rudimental stage, where valuable staples are rarely grown, where the chief object of cultivation is domestic support by the cheap and commoner crops, where the means of communication with the outer world are difficult, or where the climate is inhospitable, where, in fine, everything combines to keep down rent at the lowest scale, it is quite impossible to anticipate the future, or to predict to what degree rent will rise and find its level within the next 10 or 15 years. To attempt a Permanent Settlement under these circumstances by fixing an ultimate demand to take effect after a certain term of years would, in my apprehension, be to assess at haphazard. Even the area under cultivation, and its present assets, can afford but a poor idea of what the eventual rental and value of the same land will be. As an experienced and practical Officer writes,—" In those Districts no approximate calculation of the value of land now cultivated can be made, by which I mean not the value of the present yield or the renteroll, but of the real value of the land when the commerce of the country shall have been opened up, and the proprietors become somewhat better than mere squatters. I would certainly say that such parts of the country are far better off with long lease settlements; for as yet the value of landed property is not known there to the people themselves, and it is impossible to predict at all accurately what the effect of the great advancement, now being made in opening up the country, will have in those regions."

28. It is held, indeed, in paragraph 33 of the Minute, that while the State cannot prudently relinquish the future revenue arising from the tillage of lands now uncultivated, it "may surrender properly the future revenue from improvement in the crops and in the style of cultivation, in consideration of the advantages derive from a Permanent Settlement." I can understand and appreciate the distinction if confined to the delass of advanced Districts treated of in the first part of this Note; because it supposes that the improvement is traceable to increased labour and capital applied under the motives and guarantee of the Permanent Settlement. But I cannot perceive that the distinction has any force whatever in the class of backward Districts now under consideration. There the anticipated improvement and rise in rent will be brought about by the opening up of the country, by roads, railways, canals, &c., by causes in short altogether unconnected with the skill, labour, and capital of the owners of the soil. The landholders will be carried forward, whether they will it or not, with the tide of improvement, and so their properties will acquire a vastly enhanced value from causes quite independent of their exertions. Lands now of little more use than barely to support the agricultural and local population, and which yield a mere minimum of rent, will thus acquire, in the development of the country, a value which, compared with their former value, will be quite as great a gain as the bringing of fallow lands under the plough. This augmentation of assets, and creation of a new value, is surely as much to be considered in the one case as in the other. In the language of the Secretary of State, the lands in question, though certainly under some sort of cultivation, and bearing a certain rent, "do not yield to the Public Treasury a return commensurate with their prospective capabilities." And I cannot understand on what principle Government is held bound not to relinquish the prospective gain in one case, and yet bound to relinquish it in the other.

Alternative danger in so doing.

29. I sincerely trust that a Permanent Settlement, either present or prospective, will not, for the present, be introduced in these backward regions. If an attempt be made, on the one hand, to estimate the future advance of prosperity and rise of rent, I fear that the prospective demand so fixed would not only be extremely uncertain and unequal, but would in any case at present appear to the proprietors so heavy as to produce discouragement and dejection; while, on the other hand, if the existing scale of rent and assets be adopted, a serious loss will be sustained by Government, and by the rest of the Empire which has to make it good, a loss which, so far as I can see, is not counterbalanced by any adequate advantage.

Better to confine Settlement to 15 or 20 years.

30. The alternative is a Temporary Settlement. But if this is fixed for twenty or thirty years, the prospect of a Permanent Settlement will be postponed for that long period. I could wish that the Settlements under such circumstances were limited say to 15 years, at any rate to 20.* This would

* The term for which engagements have been taken in the Settlements now in progress in Jhansie and Lullutpore is 20 years, which may be allowed to stand.

permit of the question being considered at the close of that period, whether the District were prepared for a Permanent Settlement or not. If not so prepared, the evils of a revision might be avoided by declaring *three or four years before the conclusion of the Settlement*, that it would be prolonged for another period of 10 or 15 years. The bad effects recurring at the close of a Temporary Settlement would thus be avoided, and the question of permanency still not postponed for a whole generation.

River lands.

31. Some special rules will also be required for lands liable to change from fluvial action. But this a matter of detail.

* * * * * * * * *

POSTSCRIPT.—After the above was in type, I have had the pleasure to peruse my Colleague's admirable Minute on the same subject. Mr. Money and I purposely committed our views to paper quite independently of each other, and with hardly any previous interchange of sentiments. Whatever value, therefore, may attach to the conclusions in which we coincide, is naturally increased by the fact of their having been reached by independent courses of reasoning.

My Colleague's Minute suggests a few additional remarks—

First, as to the Districts or tracts proper to be considered in the second class, as excluded for the present from Permanent Settlement. I alluded to this subject in paragraphs 52 to 58 of my Minute dated 5th December 1861. Lullutpore (there called Chundeyree,) Jhansie, and the Terai District, should certainly, to my apprehension, be excluded. But I would extend the measure to Jaloun, as being in pretty much the same category as Humeerpore and Banda, which I recommended (paragraphs 52 to 56) to be permanently settled. I had hoped that the greater part of Goruckpore might also have been regarded as prepared for the measure; but I speak with reserve on this point, as Mr. Money, in whose circle it lies, and who is therefore more intimately acquainted with its resources and prospects, has given a contrary opinion. If the general principle to be followed be now laid down by the Viceroy, its application to this and other exceptional cases may be considered, on the merits of each, when the Settlements come up for confirmation. It will be one of the most responsible duties of the Settlement Officer to bring under consideration, in his final Report, any tracts the assessment of which he would propose to leave on a temporary footing. There will be such tracts in all the Sub-Himalyan Districts; in Seharunpore towards the Sewaliks; probably also in Jaloun and the other Trans-Jumna Districts; and perhaps exceptional villages and tracts in most Districts, for example, estates suffering from Canal drainage, or other causes, in consequence of which the soil, even if cultivated, yields a poor return. I do not see why estates in the Hill Districts where, say 80 per cent. or other fair proportion of the culturable lands are cultivated, should not also be admitted to the Permanent Settlement.

I concur with Mr. Money in thinking that ordinarily 20 per cent. of the Malgozaree area would be a very proper maximum of waste, beyond which russuddee assessments should be encouraged. But, for the reasons given above in paragraph 16, I would not insist on this as an invariable standard, but would leave the percentage to be determined, as there proposed, by the Settlement Officer, according to the circumstances of each district, pergunnah, or group of estates. I think that many of the reasons so forcibly put by my Colleague against formulas of assessment being rigidly enjoined by authority, tell strongly in favour of this view.

The 31st March 1861. (Signed) W. M.

Notes by R. MONEY, ESQUIRE, *Junior Member, Sudder Board of Revenue, North-Western Provinces, on the Governor General's Minute on Permanent Settlement.*

* * * * * * * *

Assuming that the Permanent Settlement is not to be extended to individual or isolated villages

10 *et seq.*

situated in tracts which are not generally enough advanced to admit of their inclusion in the measure, it will in the first place be necessary to determine what Districts, or portions of Districts, should be entirely excluded. In these I would certainly include the whole of the District of Goruckpore. Although it contains many estates in which cultivation has been advanced to an extent which would qualify them for Permanent Settlement, if they were situated in a District where cultivation had been generally extended in an equal degree, yet the resources of the majority are very imperfectly developed. But as regards this District there is another and a greater difficulty which precludes an immediate assimilation of its settlements to that of the generality of Districts in these Provinces. In regard to rents it is in a transition state. The rates hitherto paid have been very much lower than those which obtain in other parts of the country; but they are gradually rising, or have already been very much raised in villages of which the Settlement has been completed. Estates professedly settled at half assets have been sold at between 40 and 50 years' purchase of the Government demand, whence it must be inferred that the rents are at least double or treble the amount of the Jumma.

The Terai and the Hill Districts are obviously unfit for a Permanent Settlement.

Mr. Muir is much better acquainted than I am with the Jhansie Division, in regard to which I should readily defer to his opinion; but I conclude, from all the information that I possess, that there is no portion of the Division in which it would now be expedient to perpetuate the Settlement.

There remain the whole of the Doab, Rohilcund, exclusive of the Terai, and the Districts of Humeerpore, Banda and Azimgurh. Setting aside the prospective enhancement of assets due to irrigation in estates to which the operation of the canal has not yet been, but soon may be, extended, I would advocate the permanent assessement, at one-half of the present assets, of all estates situated in the last-mentioned tracts, provided the cultivation amounted to 80 per cent. of the culturable area.

The following details of area of the tracts in question, exclusive of lakhiraj lands, are taken from the Reports of the Census of 1853; and although they cannot be held to represent exactly the present status, they may be regarded as sufficient for our present purpose:—

Doab Statement.

Tracts.	Cultivated.	Culturable.	Barren.	Percentages.		
				Cultivation to total malgoozaree.	Cultivation to total area.	Barren to total area.
	Acres.	*Acres.*	*Acres.*			
Seharunpore	774,253	211,449	343,599	78	58	26
Moozuffernugger	670,168	153,173	153,713	81	69	16
Meerut	907,758	236,021	182,256	79	68	14
Boolundshuhur	715,587	143,260	220,211	83	66	20
Allygurh	961,076	77,725	298,233	93	72	22
Muttra	733,362	87,224	114,307	89	78	12
Agra	747,536	118,104	243,437	86	67	22
Furruckabad	749,023	178,345	361,332	81	58	28
Mynpoorie	687,098	114,526	482,812	86	53	38
Etawah	557,804	59,927	426,102	87	52	40
Cawnpore	800,438	149,232	491,037	84	56	34
Futtehpore	509,793	131,895	362,066	79	51	36
Allahabad	971,558	247,255	537,727	80	55	31
Total ...	9,785,754	1,908,136	4,217,132	84	62	27

Rohilcund.

Tracts.	Cultivated.	Culturable.	Barren.	Cultivation to malgoozaree.	Cultivation to total area.	Barren to total area.
	Acres.	*Acres.*	*Acres.*			
Bijnour	590,622	175,553	407,207			
Deduct—Pergunnahs bordering on forest Burrapoorah, Ufzulgurh, Rehur, Nujeebabad	110,795	45,838	314,386			
Total ...	479,827	129,715	92,818	79	68	13
Moradabad	839,919	308,851	289,166			
Deduct—Kasheepore	65,942	51,100	114,715			
Total .	773,977	267,751	174,451	75	64	14
Budaon	928,299	286,055	253,103	76	63	17
Bareilly	1,056,961	394,810	460,823			
Deduct—Roodurpore, Gudurpore, Pillibheet, Bilehree, Kilpooree, Nanukmuttah	124,896	159,596	264,914			
Total . .	932,065	235,214	195,909	80	68	14
Shahjehanpore	716,201	453,032	275,059			
Deduct—Poorunpore, Jubnan, Khotar	134,551	255,945	121,315			
Total ...	581,650	197,087	153,744	75	62	16
Total, exclusive of Forest Pergunnahs	3,695,818	1,106,322	870,025	71	65	15

Bundelcund and Benares.

TRACTS.	Cultivated.	Culturable.	Barren.	Cultivation to malgoozaree.	Cultivation to total area.	Barren to total area.
	Acres.	*Acres.*	*Acres.*			
Humeerpore	770,254	316,504	333,362	71	54	23
Banda	846,831	561,281	435,066	60	46	24
Azimgurh	798,707	213,729	557,035	79	51	35
TOTAL ...	2,415,792	1,091,514	1,325,463	69	50	27

The following Statement combines the details of three Divisions :—

DIVISIONS.	Cultivated.	Culturable.	Barren.	Cultivation to malgoozaree.	Cultivation to total area.	Barren to total area.
	Acres.	*Acres.*	*Acres.*			
Doab	9,785,754	1,908,136	4,217,132	84	62	27
Rohilcund	3,695,818	1,106,322	870,025	71	65	15
Bundelcund and Azimgurh	2,415,792	1,091,514	1,325,463	69	50	27
TOTAL ...	15,897,364	4,105,972	6,412,620	79	60	24

No uniform rule was observed in classifying lands under the respective heads of "Culturable" and "Forest and Jungle." Much of the land which was included in the Minhae as "Forest and Jungle" is actually culturable, or has been already brought under cultivation.

One-fifth or twenty per cent. of the total area may be regarded as a full and fair average allowance for barren waste, including village sites, roads, banks, tanks, water-courses and the like, though there are numerous instances in which more than 90 per cent. of the total area is actually under cultivation. Putting the barren waste at 20 per cent., and adding the difference to the malgoozaree area in the Doab and Bundelcund and Azimgurh, and deducting it from the malgoozaree in Rohilcund, we obtain the following result :—

DIVISIONS.	Cultivated.	Culturable.	Barren.	Cultivation to malgoozaree.	Cultivation to total area.	Barren to total area.
	Acres.	*Acres.*	*Acres.*			
Doab	9,785,754	2,943,064	3,182,204	77	62	20
Rohilcund	3,695,818	841,914	1,134,433	81	65	20
TOTAL ...	13,481,572	3,784,978	4,316,637	78	62	20
Bundelcund and Azimgurh	2,415,792	1,450,423	966,554	63	50	20
GRAND TOTAL ...	15,897,364	5,235,401	5,283,191	75	60	20

I have exhibited separately the total of the Doab and Rohilcund, because there has been a very considerable increase of cultivation in the District of Azimgurh, and because the Districts of Humeerpore and Banda may be regarded as somewhat exceptional. The old Returns from which the above data have been obtained are far from representing the present state of the former, and cultivation is increasing and land rapidly rising in value in the latter District.

I think it may be inferred from the above Statements that 80 per cent. of the total malgoozaree (that is, of the total cultivated and culturable area) should be regarded as a fair proportion to be assumed as the amount of land under cultivation which should be held to entitle the proprietors of an estate to a Settlement in perpetuity at one-half of the present assets.* As an *average* I have allowed 20 per

* It had escaped my memory that this is the proportion assumed by His Excellency the Viceroy. "It may be generally assumed that those estates in which four-fifths of the culturable area are cultivated are fit for a Permanent Settlement."—(Minute, paragraph 24). I am happy to find that my inquiries have led me to the same conclusion.

cent. of the total area to be reckoned as barren, but all calculations for purposes of assessment must necessarily be made on the *bonâ fide* total malgoozaree, or possibly culturable area. There are estates in parts of Rohilcund where the land is so valuable that the cultivators grudge the small quantity that is required for the strips which separate adjacent fields, and where not a square yard is wasted. Again, there are estates in which large portions of the area consist of sand-hills or plains of drifting sand, or of utterly barren and impracticable ravines. All land that is actually unculturable, whatever the amount of it may be, should therefore be deducted from the total area as unassessable, and after excluding lakhiraj lands, the assessment should be made on the remainder. It should be the duty of the Settlement Officer to ascertain, in the first instance, whether the land under cultivation amounted to or exceeded 80 per cent. of the total malgoozaree, and in either case he would make the Settlement in perpetuity, at half assets, under the rules in force. It may be said that a proprietor who has already improved his estate to the utmost of its capabilities is deserving of more consideration than one who still has lands available for future improvement. This has always been admitted. It is impossible to lay down definite rules which should meet every variety of condition, but a general discretion is allowed to Officers employed on Settlement to lower the rate of assessment on each cultivated acre, when the rate on the malgoozaree is found to be disproportionately high.

The manner in which villages should be treated when the cultivation is found to fall short of the prescribed proportion, remains to be considered.

Here it should be remembered that the exact assets cannot be ascertained with any certainty. The rule for Settlement at half assets is not invariable, but indicates the general proportion of Jumma to rent that should be maintained. Much must necessarily be left to the discretion of the Settlement Officer. Mathematical precision is unattainable, and the variations of conditions are so numerous that no invariable rule or formula of assessment can be made generally applicable. Where there is no uncultivated culturable land, the Settlement Officer will feel himself, in fairness, bound to pitch the assessment lower than the amount obtained under the half assets rule; and, on the other hand, he will go beyond that amount if the quantity of uncultivated culturable land is excessive. An assessment made nominally at half assets will, in practice, be found to fall short of that proportion. In all cases where the cultivated area is less than 80 per cent. of the total malgoozaree, the Settlement Officer might be directed to calculate the Jumma that would be assessable if the cultivation were increased to the requisite amount. He would make this calculation at the average half asset rate of the land actually cultivated, unless the uncultivated but culturable land were of inferior description, in which case he would make a proportionate allowance.

The assessment at half assets to which an estate would be liable if 80 per cent. of the malgoozaree area were under cultivation, I will call the *kamil jumma*.

In any estate where the cultivation is less than 80 per cent. if the kamil Jumma should not be more than 60 *per cent. or three-fifths* of the actual or estimated assets at the time of Settlement, I would make the Settlement immediately, in perpetuity, at the kamil Jumma.

The following example will illustrate the rule I would propose:—

	Total cultivation.	Culturable.	Total malgoozaree.
	Acres.	*Acres.*	*Acres.*
Actual	470	230	700
Prospectively required	560	140	700

Actual assets of 470 acres Rs. 1,880
Jumma at half assets ... „ 940
470 : 560 : : 940 : 1,120

Rupees 1,120 are therefore the kamil Jumma.

$\frac{4}{5} \times 1{,}880 = 1{,}128.$

The kamil Jumma is therefore less than three-fifths or 60 per cent. of the present assets, and should be assessed at once.

Existing Settlements have been made at rates varying from 60 to 66 per cent. of the estimated assets, and there is therefore no hardship in making a Settlement in perpetuity at not more than 60, when land is readily available to reduce the rate to 50.

The difficulty that has to be overcome is in cases where 60 per cent. of the present assets will not give the kamil Jumma I would not advocate an assessment at a higher rate, save in instances where land had been thrown out of cultivation obviously for the purpose of obtaining a low assessment. In such cases the Settlement Officer is allowed to treat land so thrown out of cultivation, as nearly equivalent to cultivated land.

I entirely concur in the remarks in paragraph 22; but with regard to the proposal in paragraph 23, I doubt the practicability of fixing "one general revenue rate per acre for the total culturable area, including land actually cultivated and land yet remaining to be cultivated." General averages are useful for comparison, but the basis of the Settlement of each separate estate must be its own ascertained or estimated assets. The probable future assets of land that has not yet been brought under cultivation cannot be determined with any degree of certainty. Where the resources of an estate have been only partially developed, it will generally be found that the best lands have been selected for cultivation, and that the assets could not therefore be increased in proportion to the extension of the cultivated area.

The most important and peculiar feature of His Excellency's scheme is the present assessment, on estates not sufficiently developed for Settlement in perpetuity on existing assets, of a kamil Jumma, which at the option of the proprietors may be declared perpetual after the expiration of thirty years. I regret that I am unable to concur in the expediency of this arrangement. If two Jummas, one slightly higher than the other, were fixed on any estate, and the native proprietor were allowed the option of engaging for thirty years for the payment of the lower Jumma, with the condition that at the expiration of that term the estate would be liable to re-assessment on its assets, whatever they might be, or of engaging permanently for the higher Jumma, he would elect for the Temporary Settlement, and trust to chance for the future. If, for instance, there were an estate of which Rupees 1,000 would be a fair and moderate assessment, and the proprietors were allowed the option of engaging for the payment of Rupees 1,000 in perpetuity, or for a Settlement forthirty years at a Jumma of Rupees 975, I feel confident that, in ninety-nine cases out of a hundred, they would elect for the lower demand for the limited period. Whether Hindoos or Mahomedans they would argue that they thereby secured a certain present gain, and for the future they would trust to fate—the lower demand might possibly be never increased—it might even be diminished. If they were Mahomedans they would be further influenced by their doubts of the permanency of our rule.

If the kamil Jumma were considerably in excess of the present assessment, I apprehend that the knowledge of the limit of ultimate demand, so far from acting as a stimulus to exertion, would have an effect exactly the reverse: when the Temporary Settlement verged on expiration, the proprietors would endeavour, by putting down cultivation, to prevent the proposed enhancement, or at least to reduce its amount. The element of uncertainty in regard to the amount of the future Jumma (the proposed prospective demand being regarded as not inevitable) would preclude the realization of the advantages which are expected to accrue from a Permanent Settlement.

If the development of the resources of a village is very backward, it is generally impossible to estimate its future capabilities with any approach to accuracy; and it, therefore, appears to me to be very necessary to fix a limit within which estates which are not susceptible of immediate Settlement in perpetuity on existing assets, should have their Settlement made permanent with prospective effect. All estates beyond that limit should be only settled temporarily under the rules in force.

The Settlements of undeveloped estates now made to have effect after the expiration of thirty years, will necessarily fall eventually under the classification of—

Too high.
Fair.
Too low.

Those of the first class will be merely inoperative.

Those of the second will be generally so; for the proprietors will strive to prevent an adequate enhancement of the existing demand. They do not apprehend *over*-assessment, and only consider themselves fortunate when they obtain a Settlement at something less than a fair amount.

Those of the third class would be perpetuated to the detriment of the State, and the destruction of that general equability of assessment which should be the basis of every Permanent Settlement.

From the above considerations I have come to the conclusion that every Settlement which is intended to be permanent should be definitively engaged for at the time of Settlement; and all estates for which definitive permanent engagements cannot now be secured, should be temporarily settled under existing rules, subject to Permanent Settlement hereafter. I apprehend that these exceptions of Temporary Settlements in the selected tracts would be comparatively very few in number, and I am of opinion that the objections, which might be urged against the allowance of such exceptions, will bear no comparison with the evils to be apprehended from the inequality of assessment, and the uncertainty which would necessarily be involved in the attempt to extend the Permanent Settlement to estates which are not expected to be ripe for it for the next thirty years.

It now only remains for me to explain the principles on which I would propose to settle permanently those estates whose present assets are not sufficient for the immediate assessment thereon of a kamil Jumma.

The Settlement of such estates should be russuddee, or gradually increasing. The demand of the kamil Jumma should take effect at a period not later than 12 years from the date of Settlement. In exceptional cases, and where the Zemindars were themselves desirous to engage for the payment of the russuddee Jumma, the period might be extended to 15 years. This would generally be in the case of villages where the proportion of land under cultivation was less than the minimum which I am about to propose as the measure of the fitness of an estate to be assessed at a Jumma rising gradually to the kamil amount.

As in the case of estates on which a *kamil* Jumma cannot be immediately assessed at the half assets rate, I would assess all these undeveloped estates at 60 per cent. of the assets.

The limit I would prescribe would be that the present cultivated area should not be less than two-thirds of the required amount, *viz.*, that it should not be less than eight-fifteenths of the malgoozaree. The Jmma at 60 per cent. of the assets, on a cultivated area equal to two-thirds of the required quantity, would be four-fifths of the kamil Jumma. Four-fifths of the kamil Jumma would therefore be the lowest or initiative demand against an estate settled permanently but prospectively, at the full amount.

In the following Table, the area required to be cultivated, or four-fifths of the malgoozaree, is assumed to be acres 1,000 :—

	Rupees.
Assets, at rent-rate of 2 Rupees	2,000
Kamil Jumma	1,000

Cultivated area at time of Settlement.	Assets at 2 Rupees per acre.	Jumma at 60 per cent. of Assets.	Term of Russuddee Settlement.
Acres.	*Rupees.*	*Rupees.*	*Years.*
791⅔	1,583⅓	950	6
750	1,500	900	8
708⅓	1,416⅔	850	10
666⅔	1,333⅓	800	12

The Settlement Officer might take the entry in any one of the three first columns of the above Table as the basis of his calculations, and the result would be the same. Perhaps the entries in the third column afford the data on which the proposed rule can be stated in the most simple form, namely,—

					Term of Russuddee Settlement.
If Jumma at 60 per cent. of present assets amounts to		95 per cent.	of kamil Jumma		6 years.
Ditto	ditto	90	ditto	ditto	8 „
Ditto	ditto	85	ditto	ditto	10 „
Ditto	ditto	80	ditto	ditto	12 „

If less than 80, a Permanent Settlement will generally be considered impracticable. It may be observed that where the Jumma at 60 per cent. of the assets is Rupees 80, the Jumma at one-half of the same assets would only be Rupees 67.

In all cases where an estate was held to be susceptible of Permanent Settlement under the rules above proposed, the proprietors should be called on to enter into engagements accordingly, and should not be allowed the option of electing for a Temporary Settlement. Should the proprietors refuse to enter into engagements, the Settlement at the proposed russuddee Jumma should be made in farm for the term of 12 years, under the provision in Section 3, Regulation VII., 1822. On the expiration of the farming lease the Zemindars would be admitted to engagements in perpetuity at the kamil Jumma.

In conclusion, I would repeat the observation I have elsewhere made, and which should be constantly held in view by Settlement Officers, that no rules of assessment are of invariable application. Acting under the spirit of general rules, the Settlement Officer must take into careful consideration the peculiar conditions which affect each separate estate, and make his Settlement accordingly. There may be two partially developed estates in which the quantity and proportions of the cultivated and culturable area, and the assets of the cultivated land, are exactly equal; but it will not necessarily follow that the kamil Jumma of both will be the same. The culturable but uncultivated land in one may be more easily reclaimable or of more productive quality than in the other, and due allowance should be accordingly made in fixing the highest assessment.

A very backward village should rarely be assessed prospectively up to the full estimated amount of kamil Jumma. More loss is entailed on Government by over-assessment than by inadequate assessment; for a Settlement that is made too high will inevitably break down, and the re-settlement which is entailed will invariably be lower than the amount which would have proved sufficiently moderate if it had been originally assessed.

SUDDER BOARD OF REVENUE,
N. W. P., ALLAHABAD;
The 30th March 1864.

(Signed) R. MONEY,
Junior Member.

Minute by the Hon'ble the Lieutenant Governor of the North-Western Provinces.

THIS important Minute by the Viceroy and Governor General, on the subject of a Permanent Settlement, has been demi-officially communicated to the Members of the Sudder Board of Revenue, and has been so ably and exhaustively treated in the admirable notes which they have recorded, and which reached me on the 5th and 6th instant, that little remains to be added beyond the expression of my own opinion, and this, to avoid delay, will necessarily be brief.

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4. The chief topics for discussion raised by the Minute are,—*first*, the principle of selection of estates to be admitted to Permanent Settlement, according to individual rather than general development; and *secondly*, the immediate assessment, both of the present and of the ultimate value of the assets of estates not fully developed—the existing assets being taken as the basis of a thirty years' Settlement—the full sum, assessed as the ultimate prospective value, being the maximum demandable at the next Settlement, provided the landowner were willing to accept it.

5. My first impression of His Excellency's intention was, that the option given to the landowner of converting the temporary into a permanent Settlement, would be confined to the currency of the temporary Settlement; so that, if he failed to avail himself of the boon, he entailed upon himself the inconvenience and cost of a re-assessment on the expiry of the temporary Settlement, and the almost certainty of an enhancement of revenue demand; and in this view I entirely concurred in the proposed measure, believing that the advantages to be gained on the one hand, and the in convenience to be avoided on the other, were sufficiently obvious to ensure the acceptance of the permanent assessment; immediately whenever the demand did not exceed 60 or 66 per cent. of the gross assets, and prospectively so soon as the development of the resources of the property would warrant the step.

6. The proposal however, in His Excellency's Minute, so far differs, that the pressure upon which I had relied is entirely removed, and the landowner would enjoy the benefits of a light assessment for thirty years, with the assurance that under no circumstances would the ultimate demand exceed the sum now fixed as the permanent assessment.

7. In this view it seems to me that the proposed measure is open to the objections stated by Messrs. Muir and Money, and, as a rule, I conceive it probable that no one would convert his temporary Settlement into a permanent one during the currency of the former, unless he did so to enhance the market value of his property preparatory to sale.

8. In the form in which I first apprehended it, the measure still recommends itself to my judgment; but I am of opinion that it may be very greatly improved, in accordance with the experienced suggestions of Messrs. Muir and Money, which I will now proceed to consider.

9. The principal modification recommended by Mr. Muir is, that a standard assessment of maximum demand having been declared, the landowners should be required to engage for its payment, either immediately, or, in cases of temporary abatement, prospectively within certain moderate periods.

10. Mr. Money has shown very clearly in his excellent paper how such a rule would probably work, and that there is really no hardship in making settlements in perpetuity, at not more than 60 per cent. of the estimated assets, where the means are readily available for reducing the rate to 50 per cent.

11. As regards undeveloped estates not yet in a condition to pay the fair maximum demand, I think a graduated assessment, upon the principles recommended by Mr. Money, would be found to work well. No doubt such assessments are open to the objections noticed by Mr. Muir, but when carefully applied, and not pressed too far, my own experience is altogether in favour of them, as providing exactly that moderate pressure which is needful to incite exertion.

12. I would, however, carefully attend to the principle of selection, and admit no estate, wherever situated, to Permanent Settlement, unless its present revenue, at 60 per cent. of the assets, equals four-fifths of the ultimate prospective demand, as explained at page 10 of Mr. Money's Note. I do not participate in the objections sometimes raised, to having temporarily settled villages interspersed with permanently settled ones, on the score of inconvenience and additional cost in the management. No such effects were experienced in the Behar Districts in which I have served, where at one time such intermixture was very extensive.

13. Besides the general rule to the above effect, I would specially except, for the present, the Districts of Goruckpore, Jhansi, Lullutpore and Terai, from the operation of the Permanent Settlement. In these the procedure might with advantage follow the course suggested by Mr. Muir in his 30th paragraph. I do not think that the Permanent Settlement should at present be extended to the Hill Districts.

14. As regard matters of detail, these may be worked out by the Board of Revenue in communication with the Government, and a carefully prepared set of instructions issued for the guidance of Settlement Officers, as proposed by Mr. Muir; too much stress cannot be laid upon the dangers of over-assessment of unreclaimed land, and the importance of distinguishing between good land which has remained uncultivated for want of labour or capital, and land of which the yield is below the average of remunerative crops.

15. Districts, of which the Settlement has already been revised, will necessarily be treated as proposed in Mr. Muir's 22nd paragraph.

16. It was at one time my intention to suggest the propriety of fixing the assessment for the Permanent Settlement in grain, instead of coin, that is, that the average rate of produce per acre of the principal descriptions of crop should constitute the standard of valuation, the cash equivalent for which should be regulated by the market value of the produce, liable to re-determination, say, every twenty years. Such a provision would meet all objections founded upon variations in the value of the precious metals and of prices; but, upon full consideration, I apprehend that it might lead to doubts as to the *bonâ fide* permanence of the assessment; it is, I think, an open question whether some such provision should not be admitted into the engagements of the ryots with their landlords.

17. As regards recusant proprietors, I concur in the opinion expressed in the 15th paragraph of Mr. Muir's Note.

18. I have omitted to notice the question raised by Mr. Muir in paragraphs 23 to 25, in connection with the Goojur estate of Bedowlee in Mozuffernugger. I agree generally with Mr. Muir that it is the duty of Government to treat cases of this description with all possible forbearance; but I cannot advocate any action which could be construed into a reward for misconduct. Such cases ought, it appears to me, to be treated altogether exceptionally, assessed for the present at very moderate rates, tacitly leaving a considerable margin of profit, and subjected hereafter to the same procedure as recommended in paragraph 30 by Mr. Muir, for other backward tracts.

(Signed) E. DRUMMOND.

From E. C. BAYLEY, ESQ., *Secretary to the Government of India, to* R. SIMSON, ESQ., *Secretary to the Government of the North-Western Provinces,—(No.* 544, *dated Simla, the* 8*th June* 1861).

HIS Excellency the Governor General in Council having maturely considered the written opinions of the Hon'ble the Lieutenant Governor and of the Members of the Board of Revenue, concerning the conditions and limitations under which the Permanent Settlement of the Land Revenue may be most advantageously introduced into the North-Western Provinces, and having conferred personally on the subject with His Honor and the Board, directs me to communicate, for the information and guidance of the Local Government, the following observations and instructions :—

2. It must be premised that it is not now necessary to advert to the reasons for and against a Permanent Settlement in India. It has been decided by Her Majesty's Government that the measure shall or may be introduced into those parts of India which fulfil certain conditions laid down as necessary for its reception. Nor is it necessary to recapitulate those conditions here, as they are fully stated in the Secretary of State's Despatch of the 9th July 1862. The present object of the Government is to confer upon the landholders of India the great advantages of a Permanent Settlement without undue sacrifice of revenue, and without the creation of future serious inequalities of taxation.

3. It is generally admitted that, with some exceptions, the Districts in the North-Western Provinces do, in whole or in part, fulfil those conditions, and are therefore entitled to the benefits of a Permanent Settlement. It is clear also that, before the assessment in any District is declared permanent for ever, it ought to be finally revised; and that as the term of the present thirty years' settlement in each District draws to a close, the opportunity should be taken of revising the assessment finally, with a view to its being declared permanent for ever.

4. But there will doubtless be whole tracts of greater or less size, such as apparently are the Terai and Lullutpore, in which, as compared with the country generally, agriculture is backward, and rent not fully developed, but which may be expected to improve in time as population and wealth advance. In tracts also where cultivation is not below the average standard, there will still be found both estates, which, from particular circumstances, have deteriorated from their normal condition; and estates as yet imperfectly tilled, embracing a large extent of waste land not cultivated within the memory of man. Such tracts and estates must be considered as exceptional, as not fulfilling the conditions for Permanent Settlement, and therefore not yet entitled to its benefits.

5. But His Excellency in Council does not consider their occurrence as any impediment to the general introduction of the measure. The experience of the Lieutenant Governor in Behar that terminable assessments may co-exist with permanent assessments, without causing inconvenience, supports this opinion. All that is necessary is to select for Permanent Settlement such tracts and estates as are fit for it, and to postpone it in the case of those which are not. Unless this be done, then the result must be either that the measure will be postponed indefinitely until every estate in the District reaches a prescribed standard (which in many cases may never be attained); or else that superior estates will be denied the boon, because some estates in their neighbourhood are inferior; or else that some estates, which do not fulfil the conditions, will nevertheless be permanently settled, because they are situated in the midst of a District which generally comes up to the standard. Unless, therefore, the principle of selection be adopted, it is to be apprehended that, in many cases, there will be an undue sacrifice of revenue by some villages being admitted to Permanent Settlement without being fit for it; or else there will be a sacrifice of the rights of the people, who, though fit for the Permanent Settlement, will be denied the boon, because some of their neighbours are not yet fit.

6. The above remarks are doubtless applicable to some parts of the North-Western Provinces, and to some villages in many Districts of those Provinces; they are probably still more applicable to other parts of the Bengal Presidency, such as the Punjab, Oudh and the Central Provinces.

7. I am now briefly to indicate, in general terms, the manner in which His Excellency in Council conceives that the varying circumstances of tracts and estates of all kinds may be practically dealt with.

8. As regards undeveloped and backward tracts of country, which shall be determined by the Lieutenant Governor in consulation with the Sudder Board, to be unfit for Permanent Settlement, His Excellency in Council will not object to their assessment on the basis of their existing assets for a term of 30 years. Time will thus be afforded for their full agricultural improvement, and at the same time, the final limitation of the revenue demand will not be deferred for too protracted a period. But in special cases, it may still be advisable, even in such tracts, to grant a Permanent Settlement. For instance in the Dehra Doon, where there is a demand for land by capitalists, His Excellency in Council is of opinion that it will be good policy to relinquish all future increase of revenue under equitable conditions. Thus, if the existing average rate of assessment on land, fit for tea or other cultivation, be one Rupee per acre during the term of 20 or 30 years' Settlement, and for the sake of obtaining a final assessment, the proprietor shall agree to pay two Rupees per acre for ever, the compromise should be sanctioned; for, whilst the proprietor is thus secured from all future enhancement of revenue, the Government is compensated by an immediate or early moderate increase.

9. Excluding these exceptional tracts, it is very desirable that the landholders in all others should be apprized of their ultimate liability to the imposition of Land Revenue. Even in the case of deteriorated or half cultivated estates, it is important to pave the way for the introduction of the Permanent Settlement. For if the revenue demand be limited prospectively, then the owner of an estate, which is temporarily settled for a fixed period, will yet know that, after the expiry of that period, there is a certain point above which the assessment will never be raised; that if he improves up to a certain standard, he will be assessed up to a certain sum and no more; and that whatever improvement may ever

thereafter be effected, there will be no further increase of demand. Such estates, while settled temporarily for a fixed term, will thus have the benefit of a Permanent Settlement in prospect, after the expiry of that term. If such an arrangement can be effected, it will carry with it the same advantages, and be justified by the same reasons as the Permanent Settlement itself.

10. The tracts or estates not yet fit for Permanent Settlement will be those where (in the terms of the Secretary of State's Despatch) a large proportion of the land is still uncultivated, and which do not yield to the public treasury a return commensurate with their prospective capabilities. In this respect, then, our concern will chiefly be with estates in which there is much culturable land still uncultivated, or in which the cultivation is inferior to what it might be,; or in which the general resources of the estate are not turned to the best account. Such estates are, according to the present system, usually assessed for a period of thirty years upon their existing assets, that is, upon their cultivated area, as it now stands. In this way the assessment is made for the whole estate, including both the cultivated lands and the lands fit for cultivation, though uncultivated sometimes; when the culturable land is particularly good, and likely to be soon brought under cultivation, or where it yields some valuable produce, such as superior sorts of grass, fuel, and the like, something may be added to the assessment of the whole estate. But, generally, the proportion of the assessment of an estate due to the culturable land is not large; and, in the main, the assessment is fixed with reference to the present cultivated area. It is reasonably expected that the assessment being thus fixed for thirty years, the landholder will have every inducement to bring the culturable land under cultivation, or otherwise develope the resources of the estate. If he do so, then no assessment is demanded on such additional cultivation or development for thirty years, and any claim on the part of Government for revenue, on such additional cultivation, is put off till next settlement.

11. In several of the Districts of the North-Western Provinces, settlements have recently been concluded; but as they have not yet been sanctioned by the Local Government, the arrangements can be revised under the present orders without any infringement of the terms; and as other settlements expire, they may be renewed on the principles now laid down.

12. Under the usual plan pursued by Settlement Officers, a District is divided into so many tracts. Each tract comprises estates of a similar character; there may be a variety of detail amongst the individual estates, but there will be a generic resemblance between them all in respect to those main features which determine their value, such as character of soil, kind of produce, means of irrigation, facility of transport, proximity of markets, supply of labour, breed of cattle, their fiscal history, and the like; some estates will be better cultivated than others; in some the resources will be better developed than in others; but the inherent capabilities of the estates are much the same, and therefore they will, or at least ought to, be able to pay much the same revenue rate per acre all round. Those estates which being imperfectly developed, cannot yet pay this general rate, will, in due course, be able to do so when fully developed.

13. Now, inasmuch as it is laid down that the land tax in estates ought to be equal to half the assets received by the proprietors, or in other words, half the rent or other income derivable by the proprietors from the land, it follows that the best possible basis for the revenue assessment is the rental. If the fair rental could be readily ascertained, it would supply perfect data for such assessment. But it is often difficult or impossible to ascertain accurately the fair and proper rent which a landlord does receive, or should be receiving from an estate. The returns of rent are frequently defective or untrustworthy. Again, many items of *bonâ fide* income from the land are not fully exhibited in the declared rental. In some parts of the country average rent rates exist and are well known: these furnish excellent guides for the valuation of estate. But in many portions of the country, especially where the proprietary body, for the most part, cultivate their own lands, rent rates are not generally known. Thus it happens that the Settlement Officer, while collecting and collating all obtainable statistics in regard to rent, must yet check or supplement the returns of rentals by assumed rates, which rates are deduced from the ascertained value and proceeds of the land. In this manner assumed rent rates and assumed revenue rates are obtained. In order, therefore, to determine details in each estate, there will be various revenue rates of assessment assumed by the Settlement Officer, such as a rate for irrigated ground, another for unirrigated; a rate for land fertilized by inundation, another for dry land; a rate for black soil,; another for poor soil; and so on. So also there will be one rate for cultivated land generally, and another for culturable, though uncultivated, land. It is not to be expected that all the culturable land will be soon cultivated, or that it should at once pay the full rate of assessment on cultivation. A fair margin of culturable land will be allowed to the landholder, which should be assessed at some rate much lower than that of the cultivated area. The rate assessable on culturable land must be low. If the proportion of culturable land to the cultivated land be small, then the estate, being for the most part cultivated, will be fit for a Permanent Settlement. If the proportion of culturable land be large then the estate, being less cultivated, will not be fit for Permanent Settlement. It may, His Excellency in Council considers, be generally assumed that those estates in which four-fifths of the culturable area are fairly cultivated are fit for a Permanent Settlement.

14. Then, having regard to all the circumstances of a tract, to its past history, its present condition, its future prospects; to its actual or probable rental, so far as that might be ascertainable; to the irrigation, the kinds of soil, the resources of the waste, and the like, allowing also for lands for pasturage, and other necessary objects, which might be left free of land tax, the Settlement Officer may fix one general rate per acre for the total culturable area, including land actually cultivated and land yet remaining to be cultivated. There may be various rates, as already mentioned, for the determination of details in each village; but the general acreage rate, as above described, may be employed as a standard by which estates may be valued either in the present or for the future. This general acreage

rate should be fixed on a fair and moderate calculation, so that the average of well cultivated and developed estates may be able to pay it.

15. Regard should also be had to the fiscal history of the tract, to the actual pressure of the revenue on the estates of a fair average quality, so that the estimates of the assets of the estates may be checked by the data of positive experience. This general acreage rate, then, being the standard of valuation, the land revenue for all the estates in the tract might be fixed according thereto. The revenue (Jumma) might be assessed accordingly for each estate, whether it were partly or chiefly waste. Thus, there would be obtained a fair valuation of the actual or the possible assets, and of the present or prospective capabilities of each estate.

16. In the foregoing remarks, it is the intention of His Excellency in Council to exemplify one efficient method of fairly estimating the comparative capabilities of similar estates. But the experience of the Revenue Officers of the North-Western Provinces will supply analogous processes for effecting the same end, and these may safely be applied under the superintendence of the Commissioners and the Sudder Board. His Excellency in Council would further urge the expediency of restricting the revenue demand on the land to a fair and moderate sum. This is a cardinal point which should be rigidly insisted upon. It is needless to enter upon details, but the cases of estates thoroughly irrigated from wells worked at great expense, of those so completely cultivated as to leave but a narrow margin of fallow land, and of those farmed by the industrious tribes. All present features which have frequently given rise to over-assessment and consequent depression of enterprise and exertion, which greater consideration of the circumstances might have avoided.

17. Having determined the assessments of all villages qualified for Permanent Settlement, the Settlement Officer will take from the proprietors the usual engagement; and when confirmed by competent authority, such settlements will be in perpetuity and unalterable.

18. As regards villages not so qualified, the Governor General in Council desires that the following procedure may be observed.

19. Where the proportion of good culturable waste exceeds, say, 20 or 25 per cent. of the area under cultivation, a Jumma, calculated according to the existing assets, and in addition a maximum Jumma deduced from an estimate of the full future assets of the estate, shall be fixed. The maximum Jumma should not exceed the initial Jumma by more than from 25 to 50 per cent. The proprietors may engage for the maximum Jumma or not as they think proper. If they do engage for it, they must do so in perpetuity. The Jumma will not be subject to revision, and the maximum will be leviable after fifteen years. But it will rest with the Settlement Officer to decide by what steps, and at what intervals, the maximum shall be progressively demanded, whether in five, ten or fifteen years, or otherwise. If the proprietors decline to engage for the maximum in perpetuity, then a settlement terminable in thirty years shall be made with them at the initial Jumma.

20. It has been argued that if the proprietors be allowed the option of declining the assessment progressively rising to a maximum in fifteen years, they will be tempted to refrain from the labour and care necessary to the fair cultivation of their lands. But I am to state that His Excellency in Council is of opinion that such a result need not be apprehended. Even, hitherto, every proprietor has known well that if he improved his estate, there would surely be increased demand on it. Notwithstanding this the landholders have improved, and do still continue to improve, their estates. A proprietor may not be willing to bind himself to improve his land within fifteen years to the degree entitling him to a Permanent Assessment, yet it does not follow that he will neglect its cultivation. In point of fact, there has been great agricultural improvement under the thirty years' settlements, and there is no reason to expect there will be less, because the proprietors, not truly realizing the advantages of a Permanent Settlement, or fearing the risks involved in the progressively advancing assessment, elect, as heretofore, for a thirty years' lease. Still much will depend on the real moderation of the permanent demand. Wherever this is certain, there will be a strong incentive to the proprietor to engage in perpetuity. On the other hand, to compel the proprietors to engage for a maximum Jumma within so short a term as fifteen years, under penalty of alienation from the management of their estates, might, His Excellency in Council anticipates, in some cases, give rise to hardship. Moreover, although the proprietors have no legal title to demand a thirty years' settlement, yet the course of our administration has led the people to expect it; and if they decline the proffered settlement in perpetuity, and prefer one on the ordinary principles for thirty years, His Excellency in Council would not place them in what they might consider a disadvantageous position by making the Permanent Settlement obligatory on them.

21. Two cases have now been supposed in which the settlement may be temporary and terminable in twenty or thirty years,—*first*, in tracts the agricultural resources of which are imperfectly developed; *secondly*, in scattered estates imperfectly cultivated, the proprietors of which decline to engage for an assessment in perpetuity. In both these cases, His Excellency in Council is of opinion that the Settlement Officer should be required to record an estimate of the assessment which he considers should be levied finally and in perpetuity, wherever he may find that he has reasonable grounds for coming to a conclusion on the subject. This estimate, His Excellency in Council observes, would, at any rate, be of assistance in future assessments, and might be possibly of sufficient accuracy to be hereafter adopted without further measurements or enquiries as the basis of a Permanent Settlement.

22. It has been said above that, as a general rule, villages in which the fallow land exceeds twenty or twenty-five per cent. cannot be considered fit for Permanent Settlement. As suggested by the Senior Member of the Sudder Board, any portion below that ratio may fairly be allowed to pass unquestioned; the grounds on which the percentage fixed being recorded. Wherever this proportion is exceeded, the *quality* of the fallow land must be considered, as on this depends the facilities for reclaiming

it. If there be reasonable doubt concerning its capabilities of cultivation, it should not be assessed, except for its spontaneous products. Otherwise the assessment should be carefully proportioned to the quality of the land and to the labour and expense of reclaiming it. Great circumspection will be needed in not rating fallow land too high. In case of doubt the Settlement Officer must incline to the lower estimate. The rates on assessable land in tracts and pergunnahs adjacent will afford a useful standard, but even that is liable to be excessive, seeing that the least profitable lands are generally the last to come under the plough.

23. In some parts of the country it may happen that tracts possessing facilities for the construction of wells are owned and cultivated by a poor or sparse population, and that these facilities have not been availed of. If the proprietors were admitted to a Permanent Settlement, and subsequently multiplied or became better off, it is probable that in no long time wells would be numerous and irrigation extensive. In such a case there would result an inequality of assessment as compared with other tracts irrigated from wells made prior to the Permanent Settlement. It does not seem possible to avoid such inequalities altogether compatibly with the speedy and general limitation of the revenue demand in perpetuity. The best remedy, in the opinion of the Governor General in Council, is not to place any check on the investment of capital in wells by taxing them specially when made, nor, on the other hand, to sacrifice revenue unnecessarily by doing away altogether with the high rates which have been paid on well irrigated land from time immemorial; but rather by carefully assessing land possessing facilities for irrigation with some advertence to this advantage, and by guarding against the incidence of excessive taxation on wells already at work.

24. Inequality of assessment is also liable to be produced hereafter in other parts by the extension of irrigation from canals. It is seldom that the water tax taken by the Canal Department equals the full increase of revenue resulting from the irrigation. Generally land so irrigated is rated by the Settlement Officer in a higher ratio than unirrigated land of the same quality. His Excellency in Council is of opinion that when such irrigation is already enjoyed, to change the practice of assessment might cause a needless loss of revenue and would involve much trouble. Therefore the case of estates receiving irrigation from canals, subsequent to Permanent Settlement, need alone be considered, and for this it is prescribed by the Governor General in Council that revised canal rates shall be imposed by the Canal Department, such as will not be unequal to the total demand on lands similarly irrigated prior to Permanent Settlement. In this manner future inequality of assessment will be prevented, and the fair market value be obtained from water supplied from the canals.

25. An ancient cause of unequal assessments is known to exist in the character and qualifications of the various tribes holding estates. Practically it has been found impossible to tax land held by Goojurs, Syuds and Rajpoots, at the same rates as may easily be levied from Jats and Koormees. His Excellency in Council believes it will be impossible to ignore the distinctions of race which render one tribe so inferior as farmers to another, and he concurs in the opinion expressed by the Senior Member of the Sudder Board on this subject that, whilst it may be impracticable to admit the bad cultivators to a Permanent Settlement on account of the backward state of their lands, yet their assessment may, in some instances, be brought nearer to the general standard by giving them the option of a settlement in perpetuity, provided they agree to pay such progressive increase of Jumma as may be demanded.

26. The main points which demand attention in introducing a Permanent Assessment have now, it is believed, been touched upon. It appears to His Excellency in Council that, in the manner indicated above, many of the advantages of a Permanent Settlement may be conferred on the holders of estates not yet fully cultivated or developed; while no undue sacrifice of revenue will be entailed on the State. It is to be remembered that while the advantages of a Permanent Settlement are manifest, yet it has two drawbacks, namely, *first*, the surrender of revenue on the increased value of crops and improved cultivation; *second*, the surrender of revenue on lands culturable, or on waste possessed of valuable resources, which may, hereafter, be brought under cultivation, or be otherwise turned to useful account. It is agreed that the State may surrender properly the future revenue from improvement in the crops and in the style of cultivation, in consideration of the advantages derived from a Permanent Settlement; but the surrender of future revenue from the cultivation of land now uncultivated, or from the development of resources now undeveloped, cannot be advocated. The plan now proposed by His Excellency in Council will, it is hoped, save the State from any such sacrifice.

27. As regards the fixation of a maximum assessment available at pleasure to the proprietor of an State temporarily settled, His Excellency believes that it possesses the advantage of supplying a motive and incentive to industry and enterprize, inasmuch as the landholder, while obtaining a fixed assessment for thirty years at all events, will know the utmost limit of possible revenue which can be demanded after the expiry of that term. It is, in the judgment of His Excellency in Council, this prospective limitation, even after the expiry of the term of settlement, which is the particular advantage of the plan now proposed, and which is calculated to insure many of the benefits that evidently attend any permanent limitation of the demand.

28. Doubtless, a settlement for any long fixed term does so far stimulate industry and improvement. A man knows that if he improves his estate, he is safe from increased assessment for thirty years. But still he knows that after that term there will be enhancement of revenue on account of improvements, though how much that will be he does not know. An indefinite prospect of increase at the next settlement is present to his mind. It is certain that this apprehension does, in some degree, retard improvements, and is especially operative as the term of settlement draws to a close. Moreover he knows that though he is safe from enquiry for thirty years, yet *after* that he will be liable to re-settlement, and his assets will be enquired into: this knowledge also does, in some degree, practically deter people from effecting as much improvement as they otherwise would. But with the proposed plan, the

future revenue on increased cultivation or improvement at next settlement will not be indefinite, but on the contrary will be strictly limited, not only for the next settlement, but for all time hereafter. Nor will there be any apprehension of re-settlement and future enquiry; on the contrary, it will be known that if the maximum assessment be accepted, there will be no re-settlement and no future enquiry. Thus a man will know that he is safe from increased demand for a fixed term, and that after that he will not be charged with more than a certain limited increase, however much he may improve his estate now or hereafter. There can be no doubt that such a prospect will promote exertion and enterprize, both during the thirty years and during the period after that; the advantages will be quite intelligible to the people, and will be probably appreciated by most of them; and if the maximum increase be previously fixed at fair and moderate rates, it will probably be accepted without any further enquiry being asked for. To those who have sufficient intelligence and foresight to appreciate the advantage a powerful stimulus will be supplied, and those who do not appreciate it will in no wise be obliged to accept the terms. No increase will be demanded of them without enquiry at the next settlement. If they do not accept the maximum previously fixed, they may have a fresh enquiry, and a re-settlement will be made according to that.

29. In short the question may be put thus—

Every intelligent landholder, under a temporary settlement, who improves his estate, knows that at the next settlement there will and must be an increase of revenue.

Will a man then, foreseeing this, prefer an indefinite prospect of unknown increase *with* re-settlement and enquiry, which will be the case without the plan now prescribed?

Will he prefer a known fixed increase which will never under any circumstances be enhanced, and which may be accepted without re-settlement and enquiry, which will be the case with the plan now prescribed?

His Excellency in Council thinks that he will certainly prefer the latter, and that he will be thereby induced to improve his estate.

30. It may be thought that the native landholders are, by idiosyncracy and character, disinclined to *work up to* a certain pitch of improvement, even though there be thereby a hope of obtaining a Permanent Settlement. It seems to the Governor General in Council that this will entirely depend on whether the ultimate limit of demand be moderate or not. If it be *not* moderate, or it be excessive, then of course the proprietor will not work up to it, because it will be against his interest to do so. If it *be* moderate, or if it be light, then he may be expected to work up to it, because he knows that, having once done that, he will thereafter secure to himself the exclusive benefit of further improvement.

31. Again, it may be thought that the people will regard the known limit of increase as the consequence of improvement, and will therefore keep improvement just below that limit so as to avoid the increase. But any such idea on the part of the people would be a mere misapprehension. If a proprietor does not think it worth his while to accept the maximum assessment without enquiry, and considers that he has not effected enough improvement to justify the increase, then he has only to decline it, and to reclaim an assessment on the assets of that time; but then such re-settlement will not be permanent, unless the assessment come up to the amount originally fixed: if it be less than that, it will be fixed only for a specified term.

32. His Excellency in Council has thought it proper to give thus, at length, the reasons for permitting the fixation of the permanent demand on estates, whether the proprietors agree to engage for it or not, as he considers that by this arrangement many of the advantages of the Permanent Settlement are held out to the landholders. And the Governor General in Council believes that, in the manner which has now been described in general terms, the Permanent Settlement may be carried out to a great extent without long postponement; and the principles so justly insisted on by Her Majesty's Government most beneficially applied to the actual circumstances and condition of the country.

From the Right Hon'ble SIR CHARLES WOOD, BART., G. C. B., *Her Majesty's Secretary of State for India, to His Excellency the Right Hon'ble the Governor General of India in Council,—(No.* 11 *(Revenue), dated India Office, London, the* 24*th March* 1865*).*

PARA. 1. I have had under my consideration in Council the Despatch from your Excellency in Council, dated the 8th June last (No. 12), relative to the proposed permanent settlement of the Land Revenue in the North-Western Provinces of the Bengal Presidency, and I now proceed to communicate to you the conclusions at which Her Majesty's Government have arrived on this important subject.

2. It is unnecessary to renew the discussion as to "the reasons for and against a permanent "settlement for India," which formed the subject of my Despatch of the 9th July (No. 14), 1862. The question now before me resolves itself into these two points,—*first*, what parts of India, or rather, of the North-Western Provinces, fulfil the conditions required in that Despatch as indispensable preliminaries to the introduction of a permanent settlement? and *secondly*, what is the proper mode of introducing it into those districts which are, either wholly or partially, prepared for it?

3. Now, in regard to the first question, it will be found that all districts will fall under one of the three following divisions, *viz.* :—

First.—Districts in which agriculture is backward, population scanty, and rent not fully developed.

Secondly.—Districts in which the estates are so fairly cultivated, and their resources so fully developed, as to warrant the immediate introduction of a permanent settlement; and

Thirdly.—Districts which comprise a large number of estates sufficiently cultivated to justify the introduction of a permanent settlement, while, at the same time, they contain also a considerable proportion of states with resources imperfectly developed, which, consequently, could not be permanently settled on their present assets without entailing a prospective loss to the State.

4. With regard to the first two classes of districts, no difficulty exists. Permanency of settlement will be refused to the first, and granted to the second, if there should be any such. It is as regards the third class, in which estates fitted for immediate permanent settlement are intermingled with others which are still in an imperfectly developed condition that the real embarrassment is found. In regard to these, your Excellency observes :* "It seems to me necessary "to select those villages or estates which are fit for permanent settlement, "and to postpone the measure in those which are not so fit. Unless this be done, then the result must "be either that the measure would be postponed indefinitely, until every estate in the district reached "a prescribed standard (which in many cases might never be attained), or else that some superior "estates would be denied the boon, because some estates in their neighbourhood were inferior; or else, "that some estates which did not fulfil the conditions, would nevertheless be permanently settled because "they were situated in the midst of a district which generally did come up to the standard."

* Minute, paragraph 12.

5. The problem to be solved is, therefore, how to give to estates, situated in a district generally ripe for a permanent settlement, but which from imperfect cultivation, are at present not in a condition to pay a fair permanent Jumma, the advantages which a permanent settlement is assumed to hold out, without any undue sacrifice of the prospective resources of the State. I observe that it is generally admitted on all hands that an estate, in which actual cultivation amounts to about 80 per cent. of the total cultivable or malgoozaree area, may be fairly held to have fulfilled the "prescribed conditions, "and to have come up to the standard," necessary to entitle it to a permanent settlement on the existing assets.

6. The plan suggested in your Excellency's original Minute (paragraphs 16 to 18), is very simple and intelligible. You propose that two amounts should be declared,—the one, "the sum fixed "on existing assets, and to be paid during the thirty years' settlement;" and the other, "the full sum "ultimately assessable on the estate, supposing its resources to be fully developed, which sum would be "the maximum demandable at the next settlement." If accepted by the landholder at the termination of the existing settlement, this latter sum would be the perpetual assessment of the estate. If not so accepted, he may still demand a re-settlement, "after inquiry in the usual way, on the assets and the "cultivation as they might be found to exist at that time." This latter assessment, if lower than "the "maximum previously fixed," would not be declared permanent. I presume that under this plan the same process might be again gone through at the expiration of the next thirty years, the maximum or permanent assessment still remaining on record, binding on the Government, and liable to be claimed by the landholder whenever it should suit his convenience to accept it.

7. Mr. Harington "doubts whether what is proposed would be as effectual as supposed, and "whether, without some greater degree of certainty that the measure would be successful than," he thinks, "exists, the Government would be justified in binding itself, while leaving perfect freedom of "action to the other party to the contract. Upon the whole, he is disposed to doubt the expediency "of the Government tying itself down in any way, or coming under any positive engagement, in "respect of estates which are not as yet in a condition to warrant their being settled in perpetuity." Mr. Harington does not, however, propose any alternative plan of settlement.

8. Mr. Muir, the Senior Member of the Board of Revenue, North-Western Provinces, discusses the whole question at great length, and objects altogether to "the scheme of leaving the settlement to be "accepted at a future period, and, if refused, making it then open to revision," which, he thinks, "would, in a certain measure, forfeit the important benefits of an absolutely permanent settlement." He, therefore, proposes that "the permanent settlement be *concluded* at once with the Zemindars, and "that the highest term or maximum demand be not deferred for a period exceeding fifteen years." The Settlement Officer is to be at liberty, in the case of imperfectly developed estates, to allow a temporary abatement, so as to make the maximum take effect in five, ten or fifteen years, never exceeding the latter period. The Zemindar would be called on to execute the agreement based on these terms; and "in any case of refusal, that is, where the Zemindar should accept the present abated assessment, "but decline the prospective maximum, he should be allowed to hold on for the preliminary term. At "its close, he might again be allowed the option of engaging at the permanent demand; and if he "still refused, the estate might be farmed in the ordinary manner, as for recusance. In short, there "would be no opening for revision. The assessment, once fixed, would be final." Mr. Muir is of opinion that "fifteen years is a quite sufficiently long period to admit of the development of backward "estates in those parts of the country to which the present remarks refer. Any expected improvement "stretching beyond that period must belong to the region of distant speculation, and in the practical "work of settlement will be far more safely left altogether out of account."

9. Mr. Money, the Junior Member, says, "the most important and peculiar feature of His "Excellency's scheme is the present assessment, on estates not sufficiently developed for settlement in "perpetuity on existing assets, of a kamil Jumma, which, at the option of the proprietors, may be "declared perpetual after the expiration of thirty years. I regret that I am unable to concur in the "expediency of this arrangement. If two Jummas, one slightly higher than the other, were fixed on "any estate, and the native proprietor were allowed the option of engaging for thirty years for the "payment of the lower Jumma, with the condition that, at the expiration of that term, the estate would "be liable to re-assessment on its assets, whatever they might be, or of engaging permanently for the

"higher Jumma, he would elect for the temporary settlement, and trust to chance for the future." Mr. Money, accordingly, "comes to the conclusion that every settlement which is intended to be "permanent should be definitively engaged for at the time of settlement," all other estates being temporarily settled under existing rules. All estates "whose present assets are not sufficient for the "immediate assessment thereon of a kamil Jumma" should be placed on a russuddee, or gradually increasing settlement, the demand of the kamil (or maximum) Jumma to take effect that a period not later than twelve years from the date of settlement, in exceptional cases the period to be extended to fifteen years. "In all cases where an estate was held to be susceptible of permanent settlement under "the rules above proposed, the proprietors should be called on to enter into engagements accordingly, "and should not be allowed the option of electing for a temporary settlement. Should the proprietors "refuse to enter into engagements, the settlement at the proposed russuddee [or increasing] Jumma "should be made for the term of twelve years, under the provision in Section 3, Regulation VII., 1822. "On the expiration of the farming lease, the Zemindars would be admitted to engagements in perpetuity "at the kamil Jumma."

10. It seems, therefore, that the two Members of the Board of Revenue, North-Western Provinces, although recording their opinions independently of each other, agree substantially in their conclusions. They deprecate any promise to be made of what shall be the permanent settlement at some future time, and urge that the primary arrangement should be the final one.

11. In the final orders issued by your Excellency's Government, as given in the letter from Mr. Secretary Bayley to Mr. Simson, Secretary to Government, North-Western Provinces, dated 8th June 1864, an endeavour seems to be made to combine the plan proposed in your Excellency's original Minute with that suggested by the Board of Revenue, North-Western Provinces, the operative part of the order being found in the 19th paragraph:—"Where the proportion of good culturable waste exceeds, "say, 20 or 25 per cent. of the area under cultivation, a Jumma, calculated according to the existing "assets, and in addition a maximum Jumma deduced from an estimate of the full future assets of the "estate, shall be fixed. The maximum Jumma should not exceed the initial Jumma by more than from "25 to 50 per cent. The proprietors may engage for the maximum Jumma or not as they think "proper. If they do engage for it, they must do so in perpetuity. The Jumma will not be subject "to revision, and the maximum will be leviable after fifteen years. But it will rest with the Settlement "Officer to decide by what steps, and at what intervals, the maximum shall be progressively demanded, "whether in five, ten or fifteen years, or otherwise. If the proprietors decline to engage for the "maximum in perpetuity, then a settlement terminable in thirty years shall be made with them at the "initial Jumma."

12. It is not distinctly stated in the subsequent paragraphs that the ultimate permanent Jumma is to be recorded as the maximum demand which would ever be made on the estate; but it may be inferred that such was the intention of your Government. For instance, it is said in paragraph 27,—"as regards the fixation of a maximum assessment, available at pleasure to the proprietor of an estate "temporarily settled, His Excellency believes that it possesses the advantage of supplying a motive and "incentive to industry and enterprise, inasmuch as the landholder, while obtaining a fixed assessment "for thirty years, at all events, will know the utmost limit of possible revenue which can be demanded "after the expiry of that term."

13. In the Circular order of the Board of Revenue, North-Western Provinces, which transmits to all Settlement Officers the instructions of the Supreme Government, the rule as to the settlement of the ultimate permanent demand is altogether relaxed. It is merely stated (paragraph 17), that "the "Governor General is desirous that the benefits of a prospective limitation in perpetuity of the Govern-"ment demand may, in so far as practicable, be secured; and this is contemplated by requiring the "Settlement Officer, wherever he is in possession of data sufficient for the purpose, and feels that he "can safely hazard an opinion, to declare at what limit the permanent assessment should eventually be "fixed. This, though not in any measure authoritative, will remain on record."

14. It would, therefore, appear that the fundamental principle of your Excellency's scheme is altogether abandoned, and that although the Settlement Officer is at liberty to declare what he thinks ought to be the limit of the eventual permanent assessment, this declaration of opinion, although it will remain on record, will not be "*in any measure authoritative.*"

15. Of the four plans of settlement, which are thus placed before Her Majesty's Government, it seems to me that the two last would be certain to be inoperative. The letter of your Government gives the option to the Zemindar of accepting a reduced demand for thirty years, with the assurance that the full or kamil Jumma then recorded will not be increased at the expiration of that term. The Board of Revenue withdraws that assurance, but still leaves the Zemindar the option of choosing between a high assessment for fifteen years and low assessment for thirty years, with the chance only (instead of the certainty) of obtaining a moderate assessment (perhaps lower even than that now fixed on) after the expiration of the thirty years. The certain result of this option has already been given in the words of Mr. Money's Minute.

16. The plan first put forward by your Excellency is liable to the objection that, while it fails altogether to bind the landholder, it imposes a distant and possibly an inconvenient and improvident obligation on the State. The Zemindar may hold his estate as before, on a thirty years' settlement, based on the existing assets. The Government, on the other hand, undertakes that, at the expiration of that period, a larger demand shall never be made than a given amount, now to be recorded, whatever the value of the estate may be at that time; but even then, if the arrangement is objected to, it need not be accepted, and the Zemindar may claim a fresh settlement on the then existing assets. It seems

to me that the transaction is altogether one-sided,—the whole probable advantage going to the Zemindar, the whole contingent loss to the State.

17. The plan of the Board of Revenue is essentially different, and would really, if it could be carried out in practice, constitute a permanent settlement, although it would not take full effect till after the lapse of fifteen years. Her Majesty's Government, however, are not prepared to give their sanction to any settlement in perpetuity which is not based on the existing assets of the estates to which it is to be applied, but is founded on a prospective estimate of their future capabilities. No such measure was contemplated in my Despatch of the 9th July (No. 14), 1862; and looking to the objections which have been found in practice to attach to a graduated or russuddee assessment, as pointed out in Mr. Muir's Minute, and to the ill effects which might follow the exclusion from the management of their estates of those proprietors who should decline to accept the proposals of the Revenue authorities, as referred to in the concluding portion of Mr. Harington's Minute of March 1864, Her Majesty's Government are under the necessity of withholding their consent to the adoption of the scheme suggested by the Members of the Board of Revenue.

18. On a full consideration of the whole question, Her Majesty's Government have arrived at the conclusion that any declaration on the part of the Government of India, binding it to a course of action extending over a period of thirty years, would be altogether inexpedient. They are prepared to authorise an immediate settlement in perpetuity, after revision, for all estates in which the actual cultivation amounts to 80 per cent. of the cultivable or malgoozaree area. In such cases, however, they are of opinion that the rule of the revised settlement, limiting the demand on the landowner to 50 per cent. of the existing assets, should not be strictly adhered to. As observed by Mr. Money, "existing settlements have been made at rates varying from 60 to 66 per cent. of the estimated assets, and there is, "therefore, no hardship in making a settlement in perpetuity at not more than 60, when land is readily "available to reduce the rate to 50." The advantage of securing a settlement in perpetuity at that rate would probably be sufficient to induce the Zemindars to consent to an immediate contribution slightly in excess of the amount which they would be called on to pay on a thirty years' settlement, subject to an indefinite increase at the expiration of that term.

19. With regard to all other estates, in which the cultivation is so backward, and the future development of their resources so uncertain, that they are unfitted for a settlement in perpetuity, they should be treated in the ordinary manner, and settled for a term not exceeding thirty years, no expectation being held out, and still more, no pledge being given to the proprietors, in respect to the course which, at the expiration of that term, it might appear expedient to the Government of the day to pursue in dealing with their properties. In the case of estates of this description, it may be worthy of consideration whether so long a period as thirty years should be fixed on as the term of the revised settlement. If any pledge has been given, or even any general expectation held out, that the revised settlement shall be confirmed for the same term as the settlement which it replaces, it must of course be adhered to; but, if such is not the case, it may probably be expedient to limit its duration to a period of fifteen or twenty years, at the expiration of which term, cultivation may have so far advanced as to bring the estates within the conditions which would entitle them to a settlement in perpetuity.

20. I observe that, under the Circular order of the Board of Revenue, "the provision for securing "higher water rates on tracts brought subsequently to settlement under the influence of canals, will be "the care of the Irrigation Department," and I therefore abstain from making any remarks on the subject in this place.

21. I take this opportunity of acknowledging the receipt of the Despatch from your Excellency in Council, dated the 5th December last (No. 20), on the subject of reserving the right of Government to mines at the coming permanent settlement, and I have to convey to you my approval of your instructions that the State, in making such a settlement, wherever it has not been already made, may claim a share of the produce of such mines as revenue, and that the right should, consequently, be reserved, and a clause to that effect entered in the settlement papers. When the proprietary right in the land belongs to the State, as in the case of waste lands, it is clear that Government may deal with the mines so situated in any manner which it may deem expedient.

From E. C. BAYLEY, ESQ., *Secretary to the Government of India, Home Department, to the Secretary to the Government, North-Western Provinces,—(No.* 1666, *dated Simla, the* 19*th June* 1865).

I AM directed by the Right Hon'ble the Governor General in Council to transmit, for the guidance of His Honor the Lieutenant Governor, the copy of a Despatch from the Right Hon'ble the Secretary of State, No. 11, dated 24th March last, having reference to the discussions which have passed on the subject of a Permanent Settlement of the Land Revenue, and laying down definitively the principles on which it is to be concluded.

2. His Excellency in Council requests that the Lieutenant Governor will issue instructions to all Officers concerned in the Settlement of the Land Revenue, in conformity with paragraphs 18, 19 and 21 of the above Despatch, and with due advertence to the subjoined remarks and injunctions.

3. His Honor will observe that the existing Rules have been modified to the following extent.

4. Assessments, to be confirmed in perpetuity, must be at a fixed amount, calculated with a reference to existing assets. No progressive assessment will therefore be admissible, under any circumstances, to settlement in perpetuity.

5. But while the settlement is to be concluded, in reference to the present value of an estate, the Settlement Officer will not necessarily be restricted to 50 per cent. of its estimated value or gross rental; the Jumma may be slightly in excess of the sum which would have been assessed, had the settlements been only for a term of years. In illustration of this rule, the Secretary of State has quoted a remarks by Mr. Money, who observes that existing settlements, being formed at 66 per cent. of estimated assets, "there is no hardship in making a settlement in perpetuity at not more than 60, when land is readily "available to reduce the rate to 50."

6. But His Excellency in Council commands me to impress upon the Settlement Department the necessity of using this discretion with extreme judgment and caution. No assessment should be made upon the strength of unreclaimed land, under any circumstances, until the Assessing Officer shall have personally examined the soil, and assured himself that it may be easily and profitably brought under tillage. The addition to the assessment should also invariably be *within* the full estimate of prospective improvement.

7. Where an estate has been assessed upon these principles, it will be offered to the proprietor at the Jumma so fixed in perpetuity. Should the assessment on these terms be refused, the Collector will reconsider the case, and make a settlement under the ordinary rules for 30 years.

8. It will be understood that, as a general limit, the Permanent Settlement will be restricted to estates in which not more than 20 per cent. of the fairly culturable land remains unreclaimed, as explained under the existing rule on that head.

9. Paragraph 19 of the Secretary of State's Despatch refers to the term of Settlement for backward tracts. This will be a point for the consideration of His Honor the Lieutenant Governor, in regard to the peculiar circumstances of each tract or district. His Excellency would only remark that where an assessment can be fixed, fair at once to the Government and the proprietor, with reference to the general resources and condition of an estate, the term of Settlement should not be less than 30 years.

10. It will be observed that where the Settlement is made for a term and not in perpetuity, no guarantee or expectation is to be held out as to the conditions of the Settlement which will be made by Government at the close of the term. Such parts of the existing orders as are inconsistent with this rule must be held cancelled.

11. Paragraph 21 relates to the subject of mines and minerals. The ruling contained in my letter of 1st December last will be observed. A clause will be inserted in the Settlement engagement reserving the right of Government to its share, as revenue, in the produce of mines and minerals. And in the case of mines and minerals in waste lands, instructions will be hereafter issued. Meanwhile, Rule 12* of the Waste Land Rules must govern all grants, so long as those Rules are in force in their present shape.

* Of Resolution of the 17th October 1861.

Government of India.

MILITARY DEPARTMENT.

Excavation of the "Nek Chul" Tank at Ajmere by the men of the Deolee Irregular Force.

From LIEUTENANT-COLONEL C. H. DICKENS, R. A., Secretary to the Government of India in the Public Works Department, to the Secretary to the Government of India, Military Department, Simla,—(No. 947 M., dated Simla, the 27th September 1866).

THE following extract from the Annual Report of progress on Public Works under the Rajpootana Agency during the year 1865-66, is communicated to the Military Department for information:—"I may also here mention the construction of the Nek Chul Tank "*at Ajmere*, a work undertaken (with the assistance of tools from the State) by the men of "the Deolee Irregular Force, as a mark of loyalty and gratitude to the Government of "India for the boon of good conduct pay conceded to them. This Tank, which has been "planned and supervised by Dr. De Fabeck of the Deolee Force, is likely to be a great "success, and deserves honorable mention for the energy, soldierly pride, and *esprit de corps* "displayed by the Regiment, and which have been so well fostered by the Commanding "Officer Major Macdonald."

Government of India.

PUBLIC WORKS DEPARTMENT.

RAILWAY.

Comparative Abstract of Traffic on the Guaranteed Railways throughout India for the 2nd Quarter of 1866 *(in continuation of Abstract published in Supplement to the* Gazette of India *dated 22nd September* 1866*).*

Gross earnings during the week ending	East Indian.		Eastern Bengal.		Calcutta and South Eastern.		Punjab.		Madras.		Great Southern of India.		Great Indian Peninsula.		Bombay, Baroda and Central India.		Sindh.	
	1866.	1865.	1866.	1865.	1866	1865.	1866.	1865.	1866.	1865.	1866.	1865.	1866.	1865.	1866.	1865.	1866.	1865.
	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.
8th April	55,479	31,339	2,756	3.009	281	214	2,649	362	8,689	6,227	755	735	41.229	22,546	10.616	5,854	1,942	1.502
15th Ditto	44.980	29,361	2.618	2.165	195	258	2,834	538	8,811	6,536	727	673	35,824	21,020	11,202	5.363	2.228	1.283
22nd Ditto	46,724	34,376	2,387	3,099	215	223	1,836	326	8,189	6.130	773	542	30,603	21.521	11.672	5,426	2,582	1,148
29th Ditto	45,271	30,119	2.859	2,523	239	226	2.171	1,123	8,349	6,517	738	582	25,336	21.487	11,573	5.241	2.083	1,104
6th May	44,918	28,061	3,096	2,058	279	237	2,009	1,004	7,901	6,192	830	522	21,183	22.030	11,218	5,581	2.263	1,581
13th Ditto	38,531	26,590	2,603	2,167	231	224	1,864	721	7.076	7,302	912	677	20,648	23,575	10,011	6.211	2,862	936
20th Ditto	36.645	27,821	2,729	3,261	192	268	1,730	888	7,307	6.268	806	552	19,212	21,819	9,504	6,029	1.917	1,034
27th Ditto	30,542	28,467	2,067	2,314	192	214	1,717	768	7,936	7,017	682	581	22,025	23.088	8,177	5,679	1.843	1,196
3rd June	32,357	27,869	2,607	2,611	176	199	1,470	1,169	7,944	6.831	803	728	21,649	17,154	8,591	5,614	1,064	1,320
10th Ditto	32,766	24,057	2,261	2,480	192	182	1,259	1,212	6,867	7.253	742	684	19,788	17,567	9.228	4,364	1,363	778
17th Ditto	28,540	24,089	1,698	2,350	263	182	1,562	1.364	7,668	6,773	764	650	17,303	15,250	7,413	4.290	1.110	756
24th Ditto	33,119	23,289	2.023	1,981	267	279	2.013	1,405	7,581	7,256	822	680	12,625	16.310	5.129	3,644	1,820	1,634
1st July	*27,681	14,292	2,752	2,155	282	461	*1,702	1,346	7,601	7,711	1,305	657	13,080	16,367	5,292	3,588	*1,545	817
Total earnings for the quarter ...	497,553	349,730	32,456	32,123	3,004	3,167	24.816	12,226	101,922	88,013	10,659	8,263	300,505	259,734	119,626	66,884	24,622	15,089
Mean Mileage open during the quarter..	1,129¼	1,120	110	110	28	28	253	200	611	571	79	79	701⅓	595¾	306	306	109	105
Average Receipt per week . .	38,273	26,902	2,496	2,471	231	244	1,909	940	7.840	6,770	820	636	23,116	19,979	9,202	5,145	1,894	1,161
Average Receipt per week per mile open	33·9	24·0	22·7	22·5	8·2	8·7	7·5	4·7	12·8	11·8	10·4	8·0	32·9	33·5	30·4	16·8	17·4	11·0

* For the six days ending 30th June.

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Published by Authority.

SIMLA, SATURDAY, OCTOBER 20, 1866.

HOME DEPARTMENT.

LEGISLATIVE.

Simla, the 25th September 1866.

The following Bill and Statement of Objects and Reasons accompanying it, are published for general information by order of His Excellency the Governor General, under the 19th of the Rules for the conduct of Business at Meetings of the Council of the Governor General of India for the purposes of making Laws and Regulations:—

A Bill to extend the Indian Penal Code to the Straits Settlement.

Preamble.

Whereas it is expedient to extend the provisions of the Indian Penal Code to the Settlement of Prince of Wales' Island, Singapore and Malacca; It is hereby enacted as follows:—

Penal Code to extend to Straits Settlement from 1st January 1867.

1. From and after the first day of January 1867, the provisions of the Indian Penal Code shall, save as hereinafter mentioned, apply to and take effect throughout the said Settlement; and in construing the said Code, two Rupees shall be deemed equivalent to one Dollar.

In Straits Settlement Sections 224 and 225 to be construed as if "offence" included anything made punishable by a special or local law.

2. In applying the said provisions to the said Settlement, Sections 224 and 225 of the said Code shall be construed as if the word offence denoted anything made punishable by the said Code, or by any special or local law as therein defined.

This Act to be read with the Penal Code.

3. This Act shall be read with and taken as part of the said Indian Penal Code.

STATEMENT OF OBJECTS AND REASONS.

This Bill, which has been prepared at the request of the Local Government, proposes to extend, with one slight change, the Indian Penal Code to the Straits Settlement.

The change referred to consists in providing that Sections 224 and 225 of the Code shall be construed as if the definition of the word "offence" given in Section 40 of the Code, included offences punishable only by some special or local law. This will preclude questions, such as have arisen in the Presidencies of Bengal and Madras, as to whether a person escaping from lawful custody can be imprisoned or fined under Section 224 of the Code when the offence for which he is detained is not expressly made punishable under its provisions.

SIMLA,
The 9th July 1866.

H. S. MAINE.

WHITLEY STOKES,
Asstt. Secy. to the Govt. of India, Home Dept. (Legislative.)

The 2nd October 1866.

The following Bill and Statement of Objects and Reasons accompanying it, are published for general information by order of His Excellency the Governor General, under the 19th of the Rules for the conduct of Business at Meetings of the Council of the Governor General of India for the purposes of making Laws and Regulations:—

ARRANGEMENT OF SECTIONS.

PART I.—*Preliminary.*

1. Short Title.
   Commencement of Act.
2. Repeal of Acts.
3. Interpretation Clause.
4. Nothing in Act to apply to British and Foreign Navies.

PART II.—*Of the Registry of Ships.*

5. Ships to be registered.
   Certificate of Registry.
6. Ports of Registry.
7. Registrars.
8. Book of Registry.

9. Declaration before Registering Officer.
10. Further declaration in absence of part owner.
11. Measurement to be made of ships before registry.
12. Rules of measurement.
13. Measurement of steam-vessels.
14. Alterations in steam-vessels requiring new registry.
15. Measurement of laden vessels.
16. Registered tonnage to be marked on main beam.
17. Registered tonnage to be repeated in every subsequent Register.
18. Fraudulent use of Certificate of Registry.
19. Change of Master.
20. Name of Ship.
21. Certificate of Building.
22. Loss of Certificate of Registry.
23. Detention of Certificate.
24. Registration *de novo*.
25. Testimony of Registering Officers.
26. False declaration. Falsifying documents.
27. Ships of Native States.
28. Issue of Passes to Ships of Native States.
29. Coasting ships may be registered and obtain Passes.
30. Fee for Certificate of Registry of such coasting ships.
31. Fees to be fixed by Governor General in Council.
32. Ships to belong to ports at which they shall be registered.
33. Registers and Certificates of Registry admissible in all Courts without proof or signature.
34. Register and Certificates of Registry to be *primâ facie* proof of their contents.

PART III.—*Of Official Logs.*

35. Official Logs to be kept in form sanctioned by Local Government.
36. Entries to be made in due time.
37. Entries required in Official Log—
(1)—Convictions.
(2)—Offences.
(3)—Punishments.
(4)—Conduct, &c., of crew.
(5)—Illness and injuries.
(6)—Deaths on board.
(7)—Births on board.
(8)—Marriages on board.
(9)—Quitting ship.
(10)—Wages of men entering navy.
(11)—Wages of deceased seamen.
(12)—Sale of deceased men's effects.
(13)—Collisions.
38. Entries how to be signed.
39. Penalties in respect of Official Logs.
40. Entries in Official Logs to be received in evidence.
41. Official Logs to be delivered to Shipping Master on ship's arrival at port of destination in India.
42. Official Logs to be transmitted to Shipping Master in case of transfer of ship and in case of loss.

PART IV.—*Of Enquiries into Wrecks.*

43. Enquiry may be instituted in cases of wreck and casualty.
44. Investigation.
45. Report.
46. In case of wreck of foreign ship, Consul to be deemed owner's agent.

PART V.—*Of Shipping Offices.*

47. Establishment of Shipping Offices.
48. Appointment, removal and control of Shipping Masters and deputies.
49. Business of Shipping Masters.
50. Fees to be paid upon engagements and discharges.
51. Fees by whom to be paid.
Proviso as to excess.
52. Penalty on Shipping Master taking other remuneration.
53. Business of Shipping Office may be transacted at Custom House or elsewhere.

PART VI.—*Of the Examination and Certificates of Masters and Mates.*

54. Examinations.
55. Local Government to appoint examiners.
Rules for conduct of examination.
Fees.
56. Certificates of competency.
57. Certificates of service.
58. No foreign-going vessel and no Home-trade ship to go to Sea without certificated Master, &c.
59. Certificates for foreign-going ships available for Home-trade ships.
60. Record of grants, cancellations, &c., of Certificates of competency of service.
61. Loss of such Certificates.
62. Sections 54—61 not to apply to ships registered under this Act under certain circumstances.

PART VII.—*Of the Engagement of Seamen.*

63. Licenses to procure seamen.
64. Penalties—
(1)—For supplying seamen without license.
(2)—For employing unlicensed persons.
(3)—For receiving seamen illegally supplied.
65. Penalty for receiving remuneration from seamen for shipping them.
66. Agreements with seamen and others.
67. Contracts with lascars binding them to go to Australia, and thence to the United Kingdom.
68. Contracts with lascars binding them to go to the United Kingdom, and thence back to India.
69. For foreign-going ships such agreements, except in special cases, to be made before and attested by a Shipping Master.
70. Engagements between Masters of foreign ships and lascars.
71. Fees payable in respect of such engagements.
72. Penalty for Master of foreign ship engaging lascars otherwise than is allowed by Sections 69 and 70.
Shipping Master may board foreign ships suspected of unlawfully shipping lascars.
73. Foreign-going ships making short voyages may have running agreements.

74. Engagement and discharge of seamen in the meantime.
75. Fees to be paid on such running agreements.
76. In Home-trade ships agreement to be entered into before Shipping Master or other witness.
77. Special agreements for Home-trade ships belonging to same owner.
78. Penalty for shipping seamen without agreement duly executed.
79. Changes in crew to be reported.
80. To prevent infraction of Act, Shipping Master may board vessel and muster seamen.
81. Production of agreements and certificates for foreign-going ships.
82. Production of agreement and certificates for Home-trade ships.
83. Alterations to be void, unless attested to have been made with consent of all parties.
84. Copy of agreement to be made accessible to crew.
85. Seamen discharged before voyage to have compensation.
86. Relief of destitute lascars.

PART VIII.—*Of Seamen's Wages.*

(a)—Regulation of Advances.

87. Regulation of advances and advance notes.
88. Advances improperly made not to be a discharge of wages.

(b)—Allotment of Wages.

89. Stipulations for allotment to be inserted in the agreement. Allotment notes.
90. Owner, &c., to pay to Shipping Master the sums allotted. Suits on allotment notes. Evidence.
91. Receipts and payments by Shipping Master on account of allotment notes.

(c)—Discharge and payment of Wages.

92. Discharge from foreign-going ships to be made before Shipping Master.
93. Master to deliver account of wages.
94. On discharge, Master to give seamen certificate of discharge, and return certificates of competency or service to Mates.
95. Shipping Master may decide questions which parties refer to him.
Enforcement of award.
96. Masters and others to produce ship's papers to Shipping Masters, and give evidence.
97. Rules as to settlement of wages.

(d)—Legal rights to Wages.

98. Right to wages and provisions when to begin.
99. Seamen not to give up certain rights.
Salvage services.
100. Wages not to be dependant on the earning of freight.
101. In case of death such wages to be paid as after-mentioned.
102. Right to wages in case of termination of service by wreck or illness.
103. Wages not to accrue during refusal to work or imprisonment.
104. Period within which wages are to be paid.
105. Wages payable in foreign coin to be recoverable at par in the current coin of India.

(e)—Mode of recovering Wages.

106. Seaman may sue summarily before any Magistrate for wages not exceeding Rs. 500. Order of Magistrate to be final.
107. Levy of wages by distress.
108. No suit for wages under Rupees 500 to be instituted in Admiralty Court, &c., except in certain cases.
109. Master to have same remedies for wages as seamen.

PART IX.—*Of the Wages and Effects of deceased Seamen.*

110. Master to take charge of effects of deceased seamen.
111. Effects and wages to be paid to Shipping Master with full accounts.
112. Penalties for not taking charge of or accounting for such monies and effects.
113. Wages and property of deceased seamen may be paid without probate.
114. Disposal of wages and effects of deceased seamen, not claimed within one year.
Provision where subsequent claim made thereto.

PART X.—*Of the Provisions, Health and Accommodation of Seamen.*

115. Survey of provisions and water on complaint made.
116. Forfeiture for frivolous complaint.
117. Allowance for short or bad provisions.
118. Medicines, &c., to be provided and kept on board certain ships.
119. Masters to keep weights and measures on board.
120. Expense of medical attendance and subsistence in case of illness, how to be defrayed.
121. Place of shelter to be appropriated.
122. Shipping Master may board any ship and inspect provisions, &c., Procedure if provisions, &c., are found to be of bad quality.

PART XI.—*Of Complaints by Seamen.*

123. Seamen to be allowed to go on shore to make complaints to a Magistrate.

PART XII.—*Of the Protection of Seamen from imposition.*

124. Sale of and charge upon wages to be invalid.
125. No debt exceeding Rupees 3 to be recoverable till end of voyage.
126. Penalty for overcharges by lodging-house keepers.
127. Penalty for detaining seamen's effects.
128. Persons not to go on board before final arrival of ship.
129. Penalty for solicitations by lodging-house keepers.

PART XIII.—*Of Discipline.*

130. Penalty for misconduct endangering ship, or life, or limb.
131. Admiralty Court in India may, in certain cases, remove Master and appoint a new Master.

132. Court authorized to make enquiries into charges against Masters, Mates and Engineers and to report to Local Government.
133. Procedure of Court.
134. Local Government may direct investigation in cases of incompetency or misconduct.
135. Powers of Court, &c., in making enquiries.
136. Local Government may cancel or suspend certificates in certain cases.
137. Master, Mate, or Engineer to deliver up his certificate. Penalty for not delivering it.
138. Saving of powers vested in certain Admiralty Courts. Same powers may be exercised by Chief Criminal Court in any Indian port, and where there is no Admiralty Court.
139. Offences of seamen and apprentices, and their punishments—
(1)—Desertion.
(2)—Neglecting or refusing to join or to go to sea. Absence within twenty-four hours before sailing, and absence without leave.
(3)—Quitting without leave before ship is secured.
(4)—Act of disobedience.
(5)—Continued disobedience.
(6)—Assault on Officers.
(7)—Combining to disobey.
(8)—Wilful damage and embezzlement.
(9)—Act of smuggling, causing loss to owner.
140. Entry of offences to be made in Official Log, and to be read over, or a copy given to the offender: his reply, if any, to be also entered.
141. Seamen whom Masters of ships are compelled to convey, and persons going to sea in ships without leave, to be subject to penalties for breach of discipline.
142. Master or owner may apprehend deserters without warrant.
143. Deserters may be sent on board in lieu of being imprisoned.
144. Seamen imprisoned for desertion, or breach of discipline, may be sent on board before termination of sentence.
145. Entries and certificates of desertion abroad to be copied, sent home, and admitted in evidence.
146. Facilities for proving desertion so far as concerns forfeiture of wages.
147. Costs of procuring imprisonment may, to the extent of Rs. 30, be deducted from wages.
148. Ascertainment of amount of forfeiture when seamen contract for the voyage.
149. Application of forfeitures.
150. Questions of forfeitures may be decided in suits for wages.
151. Penalty for false statement as to last ship or name.
152. Fines to be deducted from wages and paid to Shipping Master.
153. Penalty for enticing to desert and harbouring deserters.
154. Penalty for obtaining passage surreptitiously.
155. On change of Masters documents hereby required, to be handed over to successor.

PART XIV.—*Of Passengers by Sea.*

Chapter 1—Of Native passengers between India and the Red Sea or Persian Gulf.

156. What shall be deemed a Native passenger ship within the meaning of Sections 157—174 of this Act.
157. Native passenger ship to sail only from ports appointed by Local Government.
158. Native passenger ships not to sail without obtaining certificate.
159. Penalty for breach of provisions in Sections 157, 158.
160. Appointment of Officers to act under Section 157.
161. Master to give notice of day of sailing, &c.
162. Power to enter and inspect ship.
163. Ship may be surveyed.
164. Officer to be satisfied before giving certificate—
(1)—That the ship is sea-worthy.
(2)—That the space between decks for passengers is sufficient.
(3)—That the space on the upper deck is sufficient.
(4)—That there is a due supply of provisions.
165. Number of passengers.
166. List of passengers.
167. Ship taking additional passengers, and touching at intermediate port.
168. Penalty for fraudulent alteration in ship after certificate has been obtained.
169. Information to be transmitted to ports of embarkation.
170. Report of Consul, &c., to be admissible in evidence.
171. Length of voyage to be fixed by proclamation.
172. Quantity of provisions and water to be shipped.
173. Contract by passengers for supply of their own provisions.
174. Penalty on ships bringing excessive number of passengers from Red Sea or Persian Gulf to Indian ports.
175. Nothing in Sections 156—174 to apply to ships under contract with European Governments, or to steamers conveying public Mails.

Chapter 2—Of Native passengers in the Bay of Bengal.

176. Number of Native passengers to be carried in unlicensed vessels.
177. Number of Native passengers to be carried in licensed vessels.
178. Penalty on Master of unlicensed vessel.
179. Penalty on Master of licensed vessel.
180. Government to appoint ports for shipment of passengers when the number to be carried is greater than one to every four tons.
181. Grant of licenses to vessels.
182. Certain licensed passenger vessels to carry provisions according to appointed scale.
183. Penalty for omitting to supply passengers with prescribed allowance of food and water.

184. Supply of provisions on board passenger-ships plying to and from Ceylon.
185. List of passengers to be signed by master. Additional passengers.
186. Penalty for bringing Native passengers into any port on the eastern coast of the Bay of Bengal from any foreign European settlement in excess of authorized proportion.
187. Penalty for impeding entry or inspection.

188. Penalty for landing Native passengers at places other than that at which they have contracted to land.
189. Native passenger's right of suit preserved.

Chapter 3—Of forwarding certain Passengers taken off a Ship or picked up at Sea.

190. Sections 191, 192, 193 to apply to passengers on certain voyages.
191. Governors or Consuls may pay expenses of passengers taken off a passenger ship.
192. Governors or Consuls may send on passengers if Master of ship fail to do so.
193. Expenses incurred under Sections 190, 192, to be a Crown debt
Passengers forwarded under Section 192, not to be entitled to compensation.
194. Certificates to be furnished to coasting steam-vessels intending to carry passengers.

Chapter 4—Of Coasting Passenger Steamers.

195. Grant and contents of such certificates.
196. Copy of certificate to be placed in conspicuous part of steamer.
197. Penalty for exceeding number specified in certificate.
198. Penalty for proceeding without certificate.
199. Grant of certificate to be subject to control of Government.

PART XV.—*Of Procedure.*

200. Depositions to be received in evidence when witnesses cannot be produced.
201. Adjudication of offences and recovery of penalties.
202. Wages, penalties, &c., payable by Master or owner, may be levied by distress of ship.
203. Jurisdiction.
204. By whom proceedings for penalties under Sections 188, 193 and 194, are to be instituted.
205. Application of penalties.

First Schedule. (Acts repealed by Sec. 2.)

Second Schedule:—

Table A. (Fees to be charged for matters transacted at Shipping Offices.)

Table B. (Sums to be deducted from wages by way of partial repayment of fees in Table A.)

Third Schedule. (Form required by Sec. 185.)

A Bill to consolidate and amend the law relating to Merchant Ships, Seamen and Passengers by Sea.

Preamble.

Whereas it is expedient to consolidate and amend the law relating to Merchant Ships, Seamen and Passengers by Sea; It is hereby enacted as follows:—

PART I.—*Preliminary.*

Short Title. Commencement of Act.

1. This Act shall be called "The Indian Shipping Act, 1867," and shall come into operation on the 1st of March 1867.

Repeal of Acts.

2. The Acts specified in the first Schedule hereto are hereby repealed, except as to the repeal of Acts and parts of Acts effected thereby, and except as to acts done, penalties incurred, and agreements made before the passing of this Act. All things duly done under any of the Acts hereby repealed, shall be considered as having been done under this Act.

Interpretation Clause.

3. In this Act, unless there be something repugnant in the subject or context—

"British India" means the territories which are or may become vested in Her Majesty or Her Successors by the Statute 21 and 22 Vic., Cap. 106, entitled "An Act for the better Government of India;"

"Magistrate" includes a Magistrate of Police appointed under Act No. XIII of 1856 *(for regulating the Police of the Towns of Calcutta, Madras and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore and Malacca)*, a Joint Magistrate and any person lawfully exercising the powers of a Magistrate and a Justice of the Peace, and, at the Port of Aden, the Political Resident and his Assistant;

"Local Government."

"Local Government" means the person or persons for the time being immediately administering the executive Government of that portion of British India where the port or place in question is situate;

"Ship" includes every description of vessel used in navigation not propelled by oars;

"Home-trade ship."

"Home-trade ship" includes every ship employed in trading between any ports of the said territories, or between any port of the said territories and any port or place on the Continent of India, or in the Island of Ceylon;

"Foreign-going ship."

"Foreign-going ship" includes every ship employed in trading between any port of the said territories and any port or place not in the said territories, nor on the Continent of India, nor in the Island of Ceylon;

"Master."

"Master" includes every person (except a pilot) having command or charge of any ship;

"Seaman."

"Seaman" includes every person (except masters, pilots, and apprentices) employed or engaged in any capacity on board any ship;

"Section" and "Part" respectively mean Section and Part of this Act.

Words importing the singular number include the plural: words importing the plural number include the singular: and, words importing the masculine gender, include females;

Number

Gender.

"Person" includes any Company or Association or body of persons whether incorporated or not.

"Person."

4. Nothing herein contained shall apply to ships belonging to or in the service of Her Majesty or belonging to any foreign Government; and nothing in Parts III to XIII, both inclusive, except as otherwise hereinafter provided, shall extend to any ship belonging to the subjects of any foreign Government.

Nothing in Act to apply to British and foreign Navies.

PART II.—*Of the Registry of Ships.*

5. No ship shall be deemed a British ship under the proclamation issued by the Governor General of India in Council pursuant to the Statute 3rd and 4th Vic., Cap. 56, entitled "An Act to regulate the trade of ships built and trading within the limits of the East India Company's Charter," unless the person or persons claiming property therein shall have caused the same to have been registered at some one of the ports hereinafter mentioned in British India, and shall have obtained a certificate of such registry from the person authorised to make such registry, and grant such certificate as hereinafter directed. Such certificate shall be in the following form :—

Ships to be Registered.

Certificate of Registry.

"This is to certify, that in pursuance of "The Indian Shipping Act, 1867" *(here insert the name or names, and occupation and residence, of subscribing owner or owners)* having made and subscribed the declaration required by the said Act, and having declared that he (*or* they) together with *(names, occupations and residence of non-subscribing owners)*, is (*or* are) sole owner (*or* owners, in the proportions specified on the back hereof), of the ship called the *(ship's name)*, of *(place at which the ship shall be registered)*, which is of the burthen of *(number of tons)*, and whereof *(master's name)* is master; and that the said ship was *(when and where built)*, and *(name and employment of Surveying Officer)* having certified to us that the said ship has *(number)* decks and *(number)* masts, that her *(here insert the measurement as ascertained by the rules hereinafter mentioned)*, that she is (*how rigged*) rigged with a (*standing or running*) bowsprit, is (*description of stern*) sterned, (*carvel or clincker*) built, has (*whether any or no*) gallery, and (*kind of head, if any*) head; and the said subscribing owner *or* owners having consented and agreed to the above description, the said ship called the (*name*) has been duly registered at the port of (*name of port*), certified under our hands at the Custom House, in the said port of *(name of port)*, this (*date*) day of (*name of month*) in the year (*words at length*).

(Signed) ————

Collector or Registrar of Shipping.

And on the back of such Certificate of Registry there shall be an account of the parts or shares held by each of the owners (where there are more owners than one) mentioned and described in such certificate, in the form and manner following :—

Names of several owners within mentioned.	Number of shares held by each owner.
Name	... Thirty-two.
Name	... Sixteen.
Name	... Eight
	&c. &c."

(Signed) ————

Collector.

6. The ports at which registration shall be made, shall be the ports of Calcutta, Madras, Bombay, and such other places subordinate to the Local Governments of British India, as such Governments respectively may, from time to time, declare to be registering ports under this Act: Provided that ships built at any place other than any of such ports, shall be allowed to make their first voyage to any of such ports, being the ports at which it is intended they shall be registered under a certificate to be granted by the principal British Officer at the place where the ship is built, or if there be no British Officer in authority there, then by three merchants of such place. Such certificate shall contain all the particulars with regard to the ownership and description of the ships contained in a Certificate of Registry, and shall specify the ports at which it is intended that they shall respectively be registered, and shall have all the effect of a Certificate of Registry under this Act, during the first voyage from the place of building to the ports at which the ships respectively shall be afterwards registered: Provided that such ships so proceeding on their first voyage as aforesaid, shall be deemed British ships only whilst duly prosecuting such first voyage for the purpose of registry, and if they be not registered within a reasonable time after their arrival at the port of registry, the owner or master of such ship, shall be liable, on information in any Court in British India by the Advocates General of the respective Presidencies, to a penalty not exceeding five thousand Rupees.

Ports of Registry.

7. The persons authorized to make such registry, and to grant such certificates as aforesaid, shall be the collector of duties at any port in the said territories, and such other or different persons as the Local Government may, from time to time, appoint in that behalf.

Registrars.

8. At every port where registry shall be made in pursuance of this Act, a book shall be kept by the Registering Officer in which all the particulars contained in the form of the Certificate of the Registry hereinbefore directed to be used, shall be duly entered. Every registry shall be numbered in progression, beginning such progressive numeration at the commencement of each year: And such Registering Officer shall forthwith, or within one month at the furthest, send to the Local Government to which he is subordinate a true copy, together with the number of every certificate which shall be by him so granted.

Book of Registry.

9. No registry shall henceforth be made or certificate be granted, until the following declaration be made or subscribed before the Registering Officer, by the owner or major part of the owners of the ship required to be registered:—

Declaration.

I, *A B*, of *(place of residence and occupation)*, do truly declare that the ship *(name)* of *(port or place)* whereof *(master's name)* is at present master, being *(kind of build, burthen, &c., as described in the certificate of the Surveying Officer)*, was *(when and where)* built, and that I the said *(A B)* and the other owners *(names and occupations, if any, and where they respectively reside)* am (*or* are) sole owner (*or* owners) of the said ship, and that no other person or persons whatever hath or have any right, title, interest, share or property therein or thereto; and that I the said *(A B)* and the said other owners (if any) am (*or* are) truly and *bonâ fide* a subject (*or* subjects) of Her Majesty for whom the Governor General of India in Council has power to legislate, and that no person not being subject as aforesaid, directly or indirectly, hath any share or part interest in the said ship.

Provided that if the Registering Officer shall see occasion to doubt the truth of any of the facts contained in the above declaration, he shall not deem such declaration to be conclusive, but may refuse the registry or certificate; and his discretion exercised in this behalf shall be subject only to an appeal to the Local Government to which he is subordinate.

10. In case the required number of joint owners of any ship shall not personally attend to make and subscribe the declaration hereinbefore directed to be made and subscribed, then and in such case such owner as shall personally attend and make and subscribe the declaration aforesaid, shall further declare that the part owner or part owners of such ship then absent, is or are not resident within twenty miles of such port or place, and hath or have not, to the best of his knowledge or belief, wilfully absented himself in order to avoid the making the declaration hereinbefore directed to be made and subscribed, or is prevented by illness from attending to make and subscribe the said declaration.

Further declaration where requisite number of joint owners do not attend.

11. Previous to the registering or granting of any Certificate of Registry as aforesaid, some person appointed by the Local Government, taking to his assistance, if he shall judge it necessary, some person skilled in the building and admeasurement of ships, shall go on board of every such ship that is to be registered, and shall strictly and accurately examine and admeasure every such ship as to all and every particular contained in the form of the certificate hereinbefore directed, in the presence of the master, or of any other person who shall be appointed for that purpose on the part of the owner, or in his absence, by the said master, and shall deliver a true and just account in writing of all such particulars of the build, description and admeasurement of every such ship as are specified in the form of the certificate above recited to the Officer authorized to make such registry and grant such Certificate of Registry as aforesaid. The said master, or other person attending on the part of the owner, is hereby required to sign his name also to the certificate of such Surveying or Examining Officer, in testimony of the truth thereof: provided such master or other person shall consent and agree to the several particulars set forth and described therein.

Measurement to be made.

12. From and after the commencement of this Act, the tonnage of every ship required by law to be registered, shall, previous to her being registered, be measured and ascertained while her hold is clear, and according to the following rule (that is to say), divide the length of the upper deck between the afterpart of the stem and the forepart of the stern-post, into six equal parts. Depths: at the foremost, the middle, and the aftermost of those points of division, measure in feet and decimal parts of a foot the depths from the underside of the upper deck to the ceiling at the limber strake. In the case of a break in the upper deck, the depths are to be measured from a line stretched in a continuation of the deck. Breadths: divide each of those three depths into five equal parts, and measure the inside breadths at the following points, *videlicet*, at one-fifth and at four-fifths from the upper deck of the foremost and aftermost depths, and at two-fifths and four-fifths from the upper deck of the midship depth. Length: at half the midship depth measure the length of the vessel from the afterpart of the stem to the forepart of the sternpost, then to twice the midship depth add the foremost and the aftermost depths for the sum of the depths; add together the upper and lower breadths at the foremost division, three times the upper breadth and the lower breadth at the midship division, and the upper and twice the lower breadth at the after division, for the sum of the breadths; then multiply the sum of the depths by the sum of the breadths, and this product by the length, and divide the final product by three thousand five hundred, which will give the number of tons for register. If the vessel have a poop or half deck, or a break in the upper deck, measure the inside mean length, breadth, and height of such part thereof as may be included within the bulk-head; multiply these three measurements together and dividing the product by 92·4, the quotient will be the number of tons to be added to the result as above found. In order to ascertain the tonnage of open vessels, the depths are to be measured from the upper edge of the upper strake.

Rules of measurement.

13. In each of the several rules hereinbefore prescribed, when applied for the purpose of ascertaining the tonnage of any ship propelled by steam, the tonnage due to the cubical contents of the engine-room shall be deducted from the total tonnage of the ship as determined by either of the rules aforesaid, and the remainder shall be deemed the true register tonnage of the said ship. The tonnage due to the cubical contents of the engine-room shall be determined in the following manner (that is to say),—measure the inside length of the engine-room in feet and decimal parts of a foot from the foremost to the aftermost bulk-head, then multiply the said length by the depth of the ship at the midship division as aforesaid, and the product by the inside breadth at the same division at

Measurement of steam vessels.

two-fifths of the depth from the deck taken as aforesaid, and divide the last product by 92·4, and the quotient shall be deemed the tonnage due to the cubical contents of the engine-room.

Alterations in steam-vessels requiring new registry.

14. The tonnage due to the cubical contents of the engine-room and also the length of the engine-room, shall be set forth in the Certificate of Registry as part of the description of the ship, and any alteration of such tonnage due to the cubical contents of the engine-room, or of such length of the engine-room, after registry, shall be deemed to be an alteration requiring registry *de novo*.

Measurement of laden vessels.

15. For the purpose of ascertaining the tonnage of all such ships whether belonging to the United Kingdom or otherwise, as there shall be occasion to measure while their cargoes are on board, the following rule shall be observed and is hereby established (that is to say),—measure, *first*, the length on the upper deck between the afterpart of the steam and the forepart of the stern-post; *secondly*, the inside breadth on the underside of the upper deck at the middle point of the length; and, *thirdly*, the depth from the underside of the upper deck down the pump-well to the skin: multiply these three dimensions together, and divide the product by one hundred and thirty, and the quotient will be the amount of the register tonnage of such ships.

Registered tonnage to be marked on main beam.

16. The true amount of the register tonnage of every merchant ship belonging to the United Kingdom, to be ascertained according to the rule by this Act established in respect of such ships, shall be deeply carved or cut in figures of at least three inches in length on the main beam of every such ship, prior to her being registered.

Registered tonnage to be repeated in every subsequent register.

17. Whenever the tonnage of any ship shall have been ascertained according to the rules herein prescribed, such amount of tonnage shall ever after be deemed the tonnage of such ship, and shall be repeated in every subsequent registry of such ship, unless it shall happen that any alteration has been made in the form or burthen of such ship, or it shall be discovered that the tonnage of such ship had been erroneously taken and computed.

Fraudulent use of Certificate.

18. If such certificate as aforesaid shall be sold, lent, or otherwise disposed of to any person other than those for whose use it is granted, or shall be made use of for the service of any ship other than the ship for which it is granted, such certificate shall thenceforth be void, and the master or any owner of the ship who shall be proved to have sold, lent, or disposed of such certificate, or made use of the same as aforesaid, or shall have concurred in or been privy to the committing any such offence, shall be liable, upon conviction by information as aforesaid, to a penalty not exceeding ten thousand Rupees. In case such ship shall be lost or taken by the enemy, burnt or broken up, or otherwise prevented from returning to the port at which she is registered, or shall on any account have lost and forfeited the privileges of a British ship, or shall have been seized and legally condemned for illicit trading, or shall have been taken in execution for debt and sold by due process of law, or shall have been sold to the Crown, or shall under any circumstances have been registered *de novo*, the certificate, if preserved, shall be delivered up, within one month after the arrival of the master in any port or place in British India to the Registering Officer at such port, in default whereof the master or any of the owners shall be liable, on conviction by information as aforesaid, in a penalty not exceeding five thousand Rupees. If any person not being such subject as aforesaid, shall purchase or otherwise become entitled to the whole or to any part or share of or any interest in such ship, and the same shall be within the limits of any port of British India, then and in such case the Certificate of Registry shall, within seven days after such purchase or transfer of property in such ship, be delivered up to the Registering Officer at such port, and if such ship shall be in any place not within British India when such purchase or transfer of property shall take place, then the certificate shall be delivered up within fourteen days after the arrival of such ship or of the master thereof in any port of British India to the Registering Officer at such port, in default whereof the master or any of the owners shall be liable, on conviction before any Justice of the Peace, in a penalty not exceeding five thousand Rupees.

Change of Master.

19. When and so often as the master of any ship registered in manner hereinbefore directed, shall be changed, the master or owner of such ship shall deliver to the person hereinbefore authorized to make such registry and grant such Certificates of Registry at the port where such change shall take place, if it be a port within British India the Certificate of Registry belonging to such ship, who shall thereupon indorse and subscribe a memorandum of such change, and shall forthwith give notice of the same to the proper officer of the port or place where such ship was last registered pursuant to this Act, who shall likewise make a memorandum of the same in the book of registers which is hereby directed and required to be kept, and shall forthwith give notice thereof in like manner as of the original entry. But if the change do not take place in any port within British India, then such delivery, memorandum, and endorsement shall be made, and notice given at the first port within British India at which the new master shall arrive after such change. In default of such delivery of the certificate, such new master or any of the owners shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding five thousand Rupees.

Name of ship.

20. It shall not be lawful for any owner of any ship to give any name to such ship other than that by which she was first registered in pursuance of this Act. The owner of every ship which shall be so registered, shall, before such ship, after such registry, shall begin to take in any cargo, paint or cause to be painted, in white or yellow letters of a length of not less than four inches, upon a black ground on some conspicuous part of the stern, the name by which such ship shall have been registered pursuant to this Act, and the port to which she belongs, in a distinct and legible manner, and shall so keep and preserve the same. If such owner or master of such ship shall

permit such ship to begin to take in cargo before her name has been so painted as aforesaid, or shall wilfully alter, erase, obliterate, or in anywise hide or conceal, or cause or procure or permit the same to be done, or shall in any written or printed paper or other document describe such ship by any name other than that by which she was first registered pursuant to this Act, or shall verbally describe, or cause or procure or permit such ship to be described by any other name to any Officer of Revenue in the due execution of his duty, then and in every such case the Certificate of Registry shall thenceforth become void, and such owner or master of such ship shall be liable, on information as aforesaid, to a penalty not exceeding ten thousand Rupees.

Certificate of building.

21. Every person who shall apply for a Certificate of the Registry of any ship, shall, and is hereby required to produce to the person authorized to grant such certificate, a true and full particular under the hand of the builder of such ship, or in case the want of such certificate can be satisfactorily accounted for, then to produce other sufficient evidence of the proper denomination, and of the time when and the place where such ship was built, and also an exact account of her tonnage, and shall also make and subscribe a declaration before the person hereinbefore authorized to grant such certificate that the ship for which such certificate is required is the same as that which is so described by the builder as aforesaid.

Certificate lost or mislaid.

22. If the Certificate of Registry of any ship shall be lost or mislaid, so that the same cannot be found or obtained for her use when needful, and proof thereof shall be made to the satisfaction of the Registering Officer of the port at which the ship is registered, such Officer shall and may, where the certificate shall have been lost or mislaid, permit such ship to be registered *de novo*, and a certificate thereof to be granted: Provided always that if such ship be absent and far distant from the port to which she belongs, or by reason of the absence of the owner or of any other impediment, registry of the same cannot then be made in sufficient time, such Registering Officer shall and may grant a license for the present use of such ship, and such license shall, for the time and to the extent specified therein and no longer, be of the same force and virtue as a Certificate of Registry granted under this Act: Provided always that if the Certificate of Registry shall at any time afterwards be found, the same shall be forthwith delivered to the proper Officers of Customs to be cancelled, and that no illegal use be made of the same, in default whereof the original certificate and the renewed certificate and license shall thenceforth become void. Any person wilfully detaining the certificate so required to be cancelled, or making any illegal use thereof, shall be liable, on conviction before any Justice of the Peace, in a penalty not exceeding five thousand Rupees.

Detention of certificate.

23. In case any person who shall have received or obtained by any means, or for any purpose whatever, the Certificate of the Registry of any such ship (whether he shall claim to be the master, or to be the owner or one of the owners of such ship, or not), shall wilfully detain and refuse to delieves up the same to the proper Officers of Customs, for the purposes of such ship, as occasion shall require, or to the person having the actual command, possession, and management of such ship as the ostensible and reputed master, or as the ostensible and reputed owner thereof, it may and shall be lawful to and for any such last-mentioned person to make complaint on oath of such detainer and refusal to any Justice of the Peace residing near to the place where such detainer and refusal shall be, and on such complaint the said Justice shall, and is hereby required by warrant under his hand and seal, to cause the person so complained against to be brought before him to be examined touching such detainer and refusal. If it shall appear to the said Justice on examination of such person, or otherwise, that the said Certificate of Registry is not lost or mislaid, but is wilfully detained by the said person, he shall be subject, on conviction before such Justice, to a penalty not exceeding one thousand Rupees; and the said Justice shall, and he is hereby required to certify the aforesaid detainer, refusal, and conviction to the person who granted such Certificate of Registry for such ship who shall, on the terms and conditions of law being complied with, make registry of such ship *de novo*, and grant a certificate thereof conformably to law, notifying on the back of such certificate the ground upon which the ship was so registered *de novo*. If the person who shall have detained and refused to deliver up such Certificate of Registry as aforesaid, or shall be verily believed to have detained the same, shall have absconded so that the said warrant of the Justice cannot be executed upon him, and proof thereof shall be made to the satisfaction of the Registering Officer of the port at which the ship was registered, it shall be lawful for the said Officer to permit such ship to be registered *de novo*, or otherwise, in his discretion, to grant a license for the present use of such ship in like manner as is hereinbefore provided in the case wherein the Certificate of Registry is lost or mislaid.

Registration *de novo*.

24. If any ship, after she shall have been registered pursuant to the directions of this Act, shall in any manner whatever be altered so as not to correspond with all the particulars contained in the certificate of her registry, or if any alteration shall take place in the ownership of any ship, or of any share, or shares thereof, in such cases such ship shall be registered *de novo* in manner hereinbefore required as soon as she returns to the port to which she belongs, or to any other port within British India, on failure whereof such ship shall be deemed to be a ship not duly registered, and any person making use of a certificate for the purposes of any ship which has been granted in respect of the same, after the same ought to have been registered *de novo*, shall be liable, on conviction before any Justice of the Peace, to a penalty not exceeding five thousand Rupees.

Testimony of Registering Officers.

25. The Registering Officer at any port or place, and the person acting for him, shall, upon every reasonable request by any person whomsoever, produce and exhibit for his inspection and examination any declaration made by any such owner, and also any register or entry in any book of registry required, and shall upon every reasonable request by any

person whomsoever, permit him to take a copy, or extract thereof respectively. The copy of any such oath or declaration, registry or entry, shall, upon being proved to be a true copy thereof respectively, be received as evidence upon every trial without the production of the original, and without the testimony or attendance of any Registering Officer, or other person acting for him respectively, in all cases, as fully as such original if produced by any Registering Officer, or other person acting for him, could or might legally be admitted or received in evidence.

False declaration. Falsifying documents.

26. If any person shall falsely make declaration to any of the matters hereinbefore required to be verified by declaration, or if any person shall counterfeit, erase, alter, or falsify any certificate or other instrument in writing required or directed to be obtained, granted, or produced by this Act, or shall knowingly or wilfully make use of any certificate or other instrument so counterfeited, erased, altered, or falsified, or shall wilfully grant such certificate or other instrument in writing, knowing it to be false, such person shall, for every such offence, be liable on conviction upon information as aforesaid, to a penalty not exceeding ten thousand Rupees. If any such offence be committed by the owner of any ship, the certificate of such ship shall thenceforth be void.

Ships of Native States.

27. When any ship duly registered under this Act, or under any statute for the time being in force in the United Kingdom, shall come to be owned by a Native Prince or State, or by any subject of such Native Prince or State, it shall be lawful for the Local Government to continue to such ship the privileges and advantages of a British ship for the purposes aforesaid by a pass to be issued under the Seal of the Local Government and subscribed by a Secretary to such Government, stating the voyage or voyages for which the same is to have effect, and the period for which it is to last. It shall be lawful for the Local Government to issue a similar pass conferring the privileges and advantages of a British ship for the purposes aforesaid under this Act to any ship built within the dominions of such Native Prince or State, and owned by such Prince or State, or by any of his or its subjects: Provided always that the ships belonging to Native Princes or States, or their subjects, in respect of which passes may be granted under this Act shall, during the voyage or voyages, or the period for which any such pass shall be granted, be commanded by a subject of Her Majesty for whom the Governor General of India in Council has power to legislate.

Issue of passes to ships of Native States.

28. The passes which, under the last preceding section of this Act, may be issued for conferring the privileges and advantages of a British ship, in certain cases, to any ship built within the dominions of a Native Prince or State in subordinate alliance with, or having subsidiary treaties with, the Government of India, may be issued in the like cases, and under the same restrictions, to any ship belonging to any such Native Prince or State, or his or its subjects, wherever the same may have been built.

Coasting ships may be registered and obtain passes.

29. All ships of whatever rig and of whatever tonnage, owned by British subjects, entitled to registry under this Act, or owned by such Native Princes or States, or by their subjects, entitled to passes under this Act, employed only in coasting voyages or between any port of the Continent of India and the Island of Ceylon, may be registered and obtain passes, and the tonnage may be marked, according to such rules as shall be made from time to time by the Local Government.

Fee for Certificate of Registry of such coasting ships.

30. The owners of coasting vessels, registered under Section 29 shall pay for each Certificate of Registry—

For a vessel not exceeding the burthen of four tons, one Rupee;

Exceeding four tons and not exceeding twenty tons, five Rupees;

Exceeding twenty tons and not exceeding eighty tons, seven Rupees;

Exceeding eighty tons, for each ton two annas.

Such fees shall be carried to the credit of the Local Government.

Fees.

31. Subject to the provisions contained in Section 30, fees demandable in respect of the granting any certificate or pass under this Act, shall be fixed from time to time according to the directions of the Governor General of India in Council, but so that the same shall not exceed the amount of fees now payable for registering or granting passes to ships at the different Presidencies.

Ships to belong to ports at which they shall be registered.

32. All ships registered under this Act, shall be deemed to belong to the ports at which they shall be respectively registered. All ships being registered, or in respect of which passes may have been granted which are unexpired at the time of passing this Act, shall, for the purpose of being deemed British ships, be deemed to belong to the ports at which they may have been registered, or when passes shall have been granted which are unexpired, at which such passes may have been respectively granted. Such ships built and owned as required by the Statute 3 and 4 Vic., Cap. 56, shall continue subject to all the rules in force at the respective Presidencies before the passing of this Act, touching the registering, measurement, granting passes or other requisitions in respect of the same, and shall not be subject to the provisions of this Act, or any provisions of the Statute law, a compliance with which may heretobefore have been necessary in order that ships built and owned as aforesaid might be deemed British ships for the purposes of trade.

Registers and Certificates of Registry admissible without proof of signature.

33. Every register of a ship kept under this Act, or under any of the Acts of Parliament relating to the registry of British ships, may be proved in any Court of Justice, or before any person having by law or by consent of parties, authority to hear, receive, and examine evidence with respect to, or concerning any suit or other proceeding in any such Court, either by production of the original, or by an examined copy

thereof, or by a copy thereof purporting to be certified under the hand of the person having the charge of the original. Such person is hereby required to furnish such certified copy to any person applying at a reasonable time for the same, upon payment of the sum of one Rupee.

Register and Certificates of Registry to be *primâ facie* proof of contents.

34. Every such register, or such copy of a register, and also every Certificate of Registry granted under this Act, or any of the said Acts of Parliament, and purporting to be signed as required by law, shall be received in evidence in any Court of Justice, or before any person having by law or by consent of parties authority to hear, receive, and examine evidence as aforesaid, as *primâ facie* proof of all the matters contained or recited in such register, when the register or such copy thereof as aforesaid, is produced, and of all the matters contained or recited in or endorsed on such Certificate of Registry, when the said certificate is produced.

PART III.—*Of Official Logs.*

Official logs to be kept in forms sanctioned by Local Government.

35. An official log-book of every ship registered at any port or place in British India, except Home-trade ships of a burden not exceeding three hundred tons, shall be kept in a form sanctioned by the Local Government; and such official log may, at the discretion of the master or owner, either be kept distinct from the ordinary ship's log or united therewith, so that in all cases all the blanks in the official log be duly filled up.

Entries to be made in due time.

36. Every entry in every official log shall be made as soon as possible after the occurrence to which it relates, and if not made on the same day as the occurrence to which it relates shall be made and dated so as to show the date of the occurrence, and of the entry respecting it; and in no case shall any entry therein in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge be made more than twenty-four hours after such arrival.

Entries required in official log.

37. Every master of a ship for which an official log-book is hereby required, shall make or cause to be made therein entries of the following matters (that is to say),—

Convictions.

(1)—Every legal conviction of any member of his crew, and the punishment inflicted:

Offence.

(2)—Every offence committed by any member of his crew for which it is intended to prosecute, or to enforce a forfeiture, or to exact a fine, together with such statement concerning the reading over such entry, and concerning the reply (if any) made to the charge, as required by Section 140:

Punishment.

(3)—Every offence for which punishment is inflicted on board, and the punishment inflicted:

Conduct, &c., of crew.

(4)—A statement of the conduct, character and qualifications of each of his crew, or a statement that he declines to give an opinion on such particulars:

Illness and injuries.

(5)—Every case of illness or injury happening to any member of the crew, with the nature thereof, and the medical treatment adopted (if any):

Deaths.

(6)—Every case of death happening on board, and of the cause thereof:

Births.

(7)—Every birth happening on board, with the sex of the infant, and the names of the parents:

Marriages.

(8)—Every marriage taking place on board, with the names and ages of the parties:

Quitting ship.

(9)—The name of every seaman or apprentice who ceases to be a member of the crew, otherwise than by death, with the place, time, manner and cause thereof:

Wages of men entering Navy.

(10)—The amount of wages due to any seaman who enters Her Majesty's service during the voyage:

Wages of deceased seamen.

(11)—The wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made therefrom:

Sale of deceased men's effects.

(12)—The sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold and of the sum received for it:

Collisions.

(13)—Every collision with any other ship, and the circumstances under which the same occurred.

Entries how to be signed.

38. The entries hereby required to be made in official log-books shall be signed as follows (that is to say), every such entry shall be signed by the master and by the mate or some other of the crew, and every entry of illness, injury, death, or birth, shall be also signed by the surgeon or medical practitioner on board (if any); and every entry of wages due to, or of the sale of the effects of, any seaman or apprentice who dies, shall be signed by the master and by the mate and some other member of the crew; and every entry of wages due to any seaman who enters Her Majesty's service, shall be signed by the master and by the seaman, or by the officer authorized to receive the seaman into such service.

Penalties in respect of official logs.

39. The following offences in respect of official log-books shall be punishable as hereinafter mentioned (that is to say),—

(1)—If in any case an official log-book is not kept in the manner hereby required, or if any entry hereby directed to be made in any such log-book is not made at the time and in the manner hereby directed, the master shall, for each such offence, incur the specific penalty herein mentioned in respect thereof, or where there is no such specific penalty, a penalty not exceeding fifty Rupees.

(2)—Every person who makes or procures to be made or assists in making any entry in an official log-book, in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge in British India, more than twenty-four hours after such arrival, shall, for each such

offence, incur a penalty not exceeding three hundred Rupees.

(3)—Every person who wilfully destroys or mutilates or renders illegible any entry in any official log-book, or who wilfully makes or procures to be made or assists in making any false or fraudulent entry or omission in any such log-book, shall, for each such offence, be liable to imprisonment, with or without hard labour, for a term not exceeding one year.

Entries in official logs to be received in evidence.

40. All entries made in any official log-book as hereinbefore directed shall be received in evidence in any proceeding in any Court of Justice, subject to all just exceptions.

Official logs to be delivered to Shipping Master on ship's arrival at port of destination in India.

41. The master of every foreign-going ship shall within forty-eight hours after the ship's arrival at her final port of destination in British India, or upon the discharge of the crew, whichever first happens, deliver to the Shipping Master before whom the crew is discharged, the official log-book of the voyage; and the master or owner of every Home-trade ship of a burden exceeding three hundred tons, shall, within twenty-one days after the thirtieth day of June and the thirty-first day of December in every year, transmit or deliver to some Shipping Master in British India the official log-book for the preceding half year; and every master or owner who refuses or neglects to deliver his official log-book, as hereby required, shall be subject to a penalty not exceeding two hundred Rupees.

Official logs to be transmitted to Shipping Master in case of transfer of ship and in case of loss.

42. If any ship ceases, by reason of transfer of ownership or change of employment, to fall within the operation of Section 35, the master or owner thereof shall, if such ship is then in any port in British India, within one month, and if she is elsewhere, within six months, deliver or transmit to the Shipping Master at the port to which the ship belonged, the official log-book duly made out to the time at which she ceased to be within such operation, and in default shall, for each offence, incur a penalty not exceeding one hundred Rupees; and if any ship is lost or abandoned, the master or owner thereof, shall, if practicable, and as soon as possible, deliver or transmit to the Shipping Master at the port to which the ship belonged, the official log-book (if any) duly made out to the time of such loss or abandonment, and in default shall, for each offence, incur a penalty not exceeding one hundred Rupees.

PART IV.—*Enquiries into Wrecks.*

Enquiry may be instituted in cases of wreck and casualty.

43. In any of the cases following (that is to say),—

Whenever any ship, whether British or foreign, is lost, abandoned or materially damaged on or near the coasts of British India;

Whenever any such ship causes loss or material damage to any other such ship on or near such coasts;

Whenever, by reason of any casualty happening to or on board of any such ship on or near such coasts, loss of life ensues;

Whenever any such loss, abandonment, damage, or casualty happens elsewhere to, or on board any ship registered at any port or place in British India, under the Merchant Shipping Act, 1854, or under this Act:

It shall be the duty of any European Civil Officer of Government residing at or near the place where such loss, abandonment, damage, or casualty occurred, if the same occurred in British India; but if elsewhere, at or near the place where such witnesses as hereinafter mentioned arrive or are found to give notice of the same to the Local Government: It shall be lawful for the Local Government, whether such notice be given or not, if a formal investigation appears to it to be requisite or expedient, to appoint two persons to make the same. The investigation shall be held at such place as the Local Government shall deem best for the convenient examination of the witnesses. One of the persons to be so appointed shall be a Magistrate acting in or near the place where the investigation is held, the other may be any person conversant with maritime affairs.

Investigation.

44. The persons appointed shall proceed to make the investigation, and shall for that purpose, so far as relates to compelling the attendance of witnesses, and the regulation of the proceedings, have the same powers as if the same were a proceeding relating to an offence or cause of complaint upon which such Magistrate has power to convict summarily, or as near thereto as circumstances admit.

Report.

45. Upon the conclusion of the case the persons appointed to investigate shall send a report to the Local Government, containing a full statement of the case and of their opinion thereon, accompanied by such report of or extracts from the evidence, and such observations (if any) as they may think fit.

In case of wreck of foreign ship, Consul to be deemed owner's agent.

46. Whenever any articles belonging to or forming part of any foreign ship which has been wrecked on or near the coast of British India, or belonging to or forming part of the cargo thereof, are found on or near such coast, or are brought into any port in British India, any Consular Officer of the country to which such ship or, in the case of cargo, to which the owners of such cargo may have belonged, authorised in that behalf by any treaty or agreement with such country, shall, in the absence of the owner of such ship or articles, and of the master or other agent of the owner, be deemed to be the agent of the owner so far as relates to the custody and disposal of such articles.

PART V.—*Of Shipping Offices.*

Shipping Offices.

47. A Shipping Office shall be established at each of the ports of Calcutta, Madras and Bombay, and at such other ports as the Governor General of India in Council shall hereafter deem necessary. For every such Office there shall be a Superintend-

ent, to be called a "Shipping Master," with such necessary Deputies, clerks, and servants, at such salaries, and subject to such regulations as the Local Government shall, from time to time, with the sanction of the Governor General of India in Council, direct and appoint. Every act done by or before any deputy duly appointed, shall have the same effect as if done by or before a Shipping Master.

Appointment, removal, and control of Shipping Masters and Deputies.

48. The Local Government shall have power to appoint and remove such Shipping Masters and Deputies, who shall respectively be subject to the control of that Government, or of any intermediate authority which it may appoint.

Business of Shipping Masters.

49. It shall be the general business of the Shipping Masters appointed under this Act to superintend and facilitate the engagement and discharge of seamen in manner hereinafter mentioned, to provide means for securing the presence on board at the proper times of men who are so engaged, and to perform such other duties relating to merchant seamen and merchant ships as are hereby, or under the Merchant Shipping Act, 1854, or as may hereafter under the powers herein contained, be committed to them. It shall also be the duty of Shipping Masters to give to all persons desirous of apprenticing boys to the sea-service, and duly authorized so to do by Act No. XIX of 1850 (*concerning the binding of apprentices*), and also to masters and owners of ships requiring apprentices, such assistance as may be in their power for facilitating the making of such apprenticeships.

Fees to be paid upon engagements and discharges.

50. Such fees, not exceeding the sums specified in the Table marked (A) in the second Schedule to this Act, as are, from time to time, fixed by the Local Government, shall be payable upon all engagements and discharges effected before Shipping Masters as hereinafter mentioned. Scales of the fees payable for the time being, shall be conspicuously placed in the Shipping Offices; and all Shipping Masters, their Deputies, clerks and servants may refuse to proceed with any engagement, unless the fees payable thereon are first paid.

Fees by whom to be paid, &c.

51. Every owner or master of a ship engaging or discharging any seaman in a Shipping Office or before a Shipping Master, shall pay to the Shipping Master the whole of the fees hereby made payable in respect of such engagement or discharge, and may, for the purpose of in part reimbursing himself, deduct in respect of each such engagement or discharge from the wages of all persons (except apprentices) so engaged or discharged, and retain any sums not exceeding the sums specified in that behalf in the Table marked (B) in the second Schedule hereto: Provided that, if in any cases the sums which the owner is so entitled to deduct, exceed the amount of the fee payable by him, such excess shall be paid by him to the Shipping Master in addition to such fee.

Proviso as to excess.

Penalty on Shipping Master taking other remuneration.

52. Any Shipping Master, Deputy Shipping Master, or any clerk or servant in any Shipping Office, who demands or receives any remuneration whatever, either directly or indirectly, for hiring or supplying any seaman for any merchant ship, excepting the lawful fees payable under this Act, shall, for every such offence, incur a penalty not exceeding two hundred Rupees, and shall also be dismissed from his office.

Business of Shipping Office may be transacted at Custom House or elsewhere.

53. The Local Government may direct that, at any place at which no separate Shipping Office is established, the whole or any part of the business of the Shipping Office shall be conducted at the Custom House, or at the Office of the Master Attendant or Harbour Master, or at such other Office as the Government shall direct, and thereupon the same shall be there conducted accordingly; and in respect of such business such Custom House or Office as aforesaid shall for all purposes be deemed to be a Shipping Office, and the Officer of Customs or other Officer there, to whom such business is committed, shall for all purposes be deemed to be a Shipping Master within the meaning of this Act.

PART VI.—*Of the Examinations and Certificates of Masters and Mates.*

Examinations.

54. Examinations shall be instituted for persons who intend to become masters or mates of foreign-going ships, or of Home-trade ships, of a burden exceeding three hundred tons, or who wish to procure certificates of competency hereinafter mentioned.

Local Government to appoint examiners.

55. The Local Government or any Board or Officer duly authorized by the Local Government in that behalf shall, from time to time, nominate two or more competent persons for the purpose of examining the qualifications of the applicants for examination. The Local Government may, with the sanction of the Governor General of India in Council, make rules for the conduct of such examinations, and as to the qualifications to be required, and such rules shall be strictly adhered to by all examiners. Fees at the following rates shall be paid by all applicants for examination :—

Rules for conduct of examination.

Fees.

For a certificate as Master ...	Ten Rupees.
Ditto ditto as Mate ...	Five „

Certificates of competency.

56. The Local Government or such Board or Officer as aforesaid, shall deliver to every applicant who is reported by the examiners to have passed the examination satisfactorily, and to have given satisfactory evidence of his sobriety, experience, ability, and general good conduct on boardship, a certificate (hereinafter called a "certificate of competency") to the effect that he is competent to act as master or mate of a foreign-going ship, or of a Home-trade ship, of a burden exceeding three hundred tons, as the case may be.

57. Certificates of service differing in form from certificates of competency, shall be granted as follows (that is to say),—

Certificates of service

(1)—Every person who, before the passing of this Act, has served as master in the British merchant service or as master of any foreign-going ship registered under Act No. X of 1841, or who shall attain or has attained the rank of Lieutenant, Master, passed Mate, or second Mate, or any higher rank, in the service of Her Majesty or of the late East India Company, shall be entitled to a certificate of service as master for foreign-going ships:

(2)—Every person who, before the passing of this Act, has served as mate in the British merchant service or as mate of any such ship as aforesaid, shall be entitled to a certificate of service as mate for foreign-going ships:

(3)—Every person who, before the passing of this Act, has served as master or mate of a Home-trade ship of a burden exceeding three hundred tons, shall be entitled to a certificate of service as master or mate (according to such previous service) for such Home-trade ships:

And each of such certificates of service shall contain particulars of the name and of the length and nature of the previous service of the person to whom it is delivered; and the Local Government or such other authority as aforesaid shall deliver such certificates of service to the various persons so respectively entitled thereto upon their proving themselves to have attained such rank or to have served as aforesaid, and upon their giving a full and satisfactory account of the particulars aforesaid.

58. No foreign-going ship or Home-trade ship of a burden exceeding three hundred tons shall go to sea from any port in British India, unless the master and one officer besides the master have obtained and possess valid and appropriate certificates either of competency or service under this Act or under the Merchant Shipping Act, 1854; and whoever, having been engaged to serve as master or mate, goes to sea as aforesaid as such master or mate without being at the time entitled to and possessed of such a certificate as hereinbefore required, and whoever employs any person as such master or mate without ascertaining that he is at the time entitled to and possessed of such certificate, shall, for each such offence, be liable to a penalty of five hundred Rupees.

No foreign-going ship and no Home-trade ship above 300 tons to go to sea without certificated Master, &c.

59. Every certificate of competency for a foreign-going ship shall be deemed to be of a higher grade than the corresponding certificate for a Home-trade ship, and shall entitle the lawful holder thereof to go to sea in the corresponding grade in such last-mentioned ship; but no certificate for a Home-trade ship shall entitle the holder to go to sea as master or mate of a foreign-going ship.

Certificates for foreign-going ships available for Home-trade ships.

60. All certificates, whether of competency or service, shall be made in duplicate, and one part shall be delivered to the person entitled to the certificate, and the other shall be kept and recorded as the Local Government shall direct. A note of all orders made for cancelling suspending, altering, or otherwise affecting any certificate in pursuance of the powers herein contained, shall be entered in the record of certificates.

Record of grants, cancellations, &c., of certificates.

61. Whenever any master or mate proves to the satisfaction of the Local Government or such other authority as aforesaid, that he has, without fault on his part, lost or been deprived of any certificate already granted to him, a copy of the certificate to which, by the record so kept as aforesaid, he appears to be entitled, shall be delivered to him, and shall have all the effect of the original.

Loss of certificate.

62. Sections 54 to 61 (both inclusive) shall not apply to ships registered under this Act, and trading between ports in India and the coast of Arabia, when such ships are navigated and manned exclusively by Arabs, Lascars, or other Asiatic Masters and Seamen.

Sections 54 to 61 of this Act not to apply to ships registered under this Act, under certain circumstances.

PART VII.—*Of the Engagement of Seamen.*

63. The Local Government, or any Board or Officer duly authorized by the Local Government in that behalf, may grant to such persons as may be deemed fit, licenses to engage or supply seamen for merchant ships, to continue for such periods, to be upon such terms, and to be revocable upon such conditions as the Government thinks proper.

Licenses to procure seamen.

64. The following offences shall be punishable as hereinafter mentioned (that is to say),—

Penalties.

(1)—If any person not licensed as aforesaid, other than the owner or master or mate of the ship, or some person who is *bonâ fide* the servant and in the constant employ of the owner, or a Shipping Master duly appointed as aforesaid, engages or supplies any seaman to be entered on board any ship, he shall for each seaman so engaged or supplied incur a penalty not exceeding one hundred Rupees.

For suplying seamen without license.

(2)—If any person employs any unlicensed person, other than persons so excepted as aforesaid, for the purpose of engaging or supplying any seaman to be entered on board any ship, he shall for each seaman so engaged or supplied incur a penalty not exceeding one hundred Rupees, and, if licensed, shall in addition forfeit his license.

For employing unlicensed persons.

(3)—If any person knowingly receives or accepts to be entered on board any ship any seaman who has been engaged or supplied contrary to the provisions of this Act, he shall for every seaman so engaged or supplied incur a penalty not exceeding one hundred Rupees.

For receiving seamen illegally supplied.

65. If any person demands or receives, either directly or indirectly, from any seaman, or from any person seeking employment as a seaman, or from any person on his behalf, any remuneration whatever, other than the fees hereby authorized, for providing him with employment, he shall for every such offence incur a penalty not exceeding fifty Rupees, and, if licensed as aforesaid, shall in addition forfeit his license.

Penalty for receiving remuneration from seamen for shipping them

66. The master of every ship, except ships of a burden not exceeding three hundred tons employed only in the Home-trade, shall enter into an agreement with every seaman and with every Native of British India not being a seaman whom he carries to sea from any port in British India as one of his crew, in the manner hereinafter mentioned; and every such agreement shall be in a form sanctioned by the Governor General of India in Council, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman or other person aforesaid signs the same, and shall contain the following particulars as terms thereof (that is to say),—

Agreements with seamen and others.

(1)—The nature and, as far as practicable, the duration of the intended voyage or engagement:

(2)—The number and description of the crew, specifying how many are engaged as sailors:

(3)—The time at which each seaman and each Native of British India not being a seaman, is to be on board or to begin work:

(4)—The capacity in which each seaman and each Native of British India not being a seaman, is to serve:

(5)—The amount of wages which each seaman and each Native of British India not being a seaman, is to receive:

(6)—A scale of the provisions which are to be furnished to each seaman and to each Native of British India not being a seaman:

(7)—Any regulations as to conduct on board and as to fines, short allowance of provisions, or other lawful punishments for misconduct, which have been sanctioned by the Government as regulations proper to be adopted, and which the parties agree to adopt:

And every such agreement shall be so framed as to admit of stipulations to be adopted at the will of the master and seaman, and each Native of British India not being a seaman, in each case (not being inconsistent with the provisions of this Act), as to advance of wages and supply of warm clothing, and may contain any other stipulations which are not contrary to law: Provided that, if the master of any ship belonging to the United Kingdom or any British possession has an agreement with his crew, made in due form according to the law of the place to which such ship belongs, or in which her crew were engaged, and engages single seamen, or any Native of British India not being a seaman in any port in British India, such seaman or other person aforesaid may sign the agreement so made, and it shall not be necessary for such seaman or other person aforesaid to sign an agreement under this Act: Provided also that, in the case of lascars or other Native seamen, and every Native of India not being a seaman, when it shall be agreed that the service of any such seaman or other person aforesaid shall end at any port not in British India, the agreement shall contain stipulations for providing for such seaman or other person aforesaid fit employment on board some other vessel bound to the port at which he was shipped, or such other port as may be agreed on, or for providing for him a passage to some such port as aforesaid free of charge, or on such other terms as may be agreed on; and every such stipulation shall be signed by the owner of the vessel, or by the master on his behalf.

Proviso as to forms for British or Colonial ships.

Proviso where lascars, &c., are shipped.

67. It shall be lawful for any master or owner of a ship or his agent to enter into contract with lascars or Natives of British India, binding them to proceed to any port or ports in the Australian Colonies either as seamen or as passengers, and there to engage themselves as seamen in any ship which may happen to be there and to be bound to the United Kingdom or to any other part of Her Majesty's Dominions: Provided that every such contract shall be in such form, and shall contain such provisions, and shall be executed in such manner and under such conditions for securing the return of such lascars or Natives to their own country, and for other purposes as the Governor General of India in Council or the Local Government may direct. If any lascar or other person who has bound himself by any such contract is, on arriving in any of the said Colonies, required to enter into an agreement to serve as a seaman in any ship bound for the United Kingdom or to any other part of Her Majesty's Dominions, and if it is certified by some officer appointed for that purpose by the Governor of the said Colony that such agreement is a proper agreement in all respects for such lascar or other person to enter into, and is in accordance with the original contract, and that the ship to which such agreement relates is a proper ship for such lascar or other person to serve in, and is properly supplied with provisions, and that there is not in the opinion of such officer any objection to the full performance of the said contract, such lascar or other person shall be bound to enter into the said agreement, and to serve as a seaman in the ship to which it relates, and shall thereupon be deemed for all purposes one of the crew of the ship. If he refuses to enter into such agreement, he shall notwithstanding such refusal, be liable to the same consequences and be dealt with in all respects in the same manner as if he had voluntarily entered into the same. For every lascar or other person in respect of whom such certificate is applied for, the person applying for the same shall pay to such officer as aforesaid such fee as the Governor of the Colony may appoint.

Contracts may be made with lascars binding them to go to Australia and thence to serve in other ships to the United Kingdom.

68. It shall be lawful for any master or owner of a ship, or his agent, to enter into agreements with lascars or Natives of British India, binding them to proceed to any port or ports in the United Kingdom, either as seamen or as passengers, and there to enter into a

Contracts may be made with lascars binding them to go to the United Kingdom, and then to serve in other ships back to India or elsewhere.

further agreement to serve as seamen in any ship which may happen to be there, and to be bound to any port in British India: Provided that every such original agreement shall be made in such form, and shall contain such provisions, and shall be executed in such manner and under such conditions for securing the return of such lascars or Natives to their own country and for other purposes, as the Governor General of India in Council or the Local Government may direct. If any lascar or other person who has bound himself by any such original agreement is, on arriving in the United Kingdom, required to enter into a further agreement to serve as a seaman in any ship bound to any port in British India, and if it is certified by some Officer appointed for that purpose by the Government of India, that such further agreement is a proper agreement in all respects for such lascar or other person to enter into, and is in accordance with the original agreement, and that the ship to which such further agreement relates is in all respects a proper ship for such lascar or other person to serve in, and that there is not in the opinion of such Officer any objection to the full performance of the said original agreement, such lascar or other person shall be deemed to be engaged under such further agreement, and to serve as a seaman in the ship to which it relates, and shall thereupon be deemed to be for all purposes one of the crew of the ship. For every lascar or other person in respect of whom such certificate is applied for, the person applying for the same shall pay to such Officer as aforesaid such fee as the Government of India may appoint, not exceeding ten shillings.

For foreign-going ships agreements with seamen, except in special cases, to be made before and attested by a Shipping Master.

69. In the case of all foreign-going ships, in whatever part of Her Majesty's Dominions the same are registered, the following rules shall be observed with respect to agreements (that is to say),—

Agreement to be signed by seaman.

(1)—Every agreement made in any port in British India (except in such cases of agreements with substitutes as are hereafter specially provided for), shall be signed by each seaman in the presence of a Shipping Master.

Shipping Master to cause agreement to be explained to seaman.

(2)—Such Shipping Master shall cause the agreement to be read over and explained to each seaman, in a language understood by him, or shall otherwise ascertain that each seaman understands the same before he signs it, and shall attest each signature.

To be in duplicate.

(3)—When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the Shipping Master, and the other part shall contain a special place or form for the descriptions and signatures of substitutes or persons engaged subsequently to the first departure of the ship, and shall be delivered to the master.

Provision for substitutes.

(4)—In the case of substitutes engaged in the place of seamen who have duly signed the agreement, and whose services are lost within twenty-four hours of the ship's putting to sea by death, desertion, or other unforeseen cause, the engagement shall, when practicable, be made before some Shipping Master duly appointed in the manner hereinbefore specified. Whenever such last-mentioned engagement cannot be so made, the master shall, before the ship puts to sea if practicable, and if not, as soon afterwards as possible, cause the agreement to be read over and explained to the seamen; and the seamen shall thereupon sign the same in the presence of a witness, who shall attest their signatures.

Engagements between masters of foreign ships, and lascars.

70. When the master of a foreign ship being at any port in British India engages any lascar or other Native seaman to proceed to any port out of British India, he shall enter into an agreement with such seaman, and the agreement shall be made before a Shipping Master in the manner hereinbefore provided for the making of agreements in the case of foreign-going ships; and all the provisions of Sections 66 and 69 respecting the form of such agreements, and the stipulations to be contained in them and the making and signing of the same, shall be applicable to the engagement of such seaman; and the master of such foreign ship shall give to the Shipping Master a bond with the security of some approved person resident in British India for an amount calculated at the rate of one hundred Rupees for every such seaman, and conditioned for the due performance of the said agreement and stipulations.

Fees payable in respect of such engagements.

71. The fees prescribed in Section 51 shall be payable in respect of every such engagement, and deductions from the wages of seamen so engaged may be made to the extent and in the manner allowed by the said Section.

Penalty for master of foreign ship engaging lascars, otherwise than is allowed by Sections 71, 72.

72. If any lascar or other Native seaman is engaged by the master of any foreign ship otherwise than is allowed in the two last-preceding sections, such master shall be liable to a penalty of one hundred Rupees for every such seaman so engaged. It shall be lawful for the Shipping Master, by himself or his deputy, to enter on board any foreign ship upon which he shall have reason to believe that any such seaman has been shipped, and the provisions of Section 80 of this Act shall be applicable in respect of every such ship.

Shipping Master may board foreign ships suspected of unlawfully shipping lascars.

Foreign-going ships making short voyages may have running agreements.

73. In the case of foreign-going ships making voyages averaging less than six months in duration, running agreements with the crew may be made to extend over two or more voyages, so that no such agreement shall extend beyond the next following 30th day of June or 31st day of December, or the first arrival of the ship at her port of destination in British India after such date, or the discharge of cargo consequent upon such arrival. Every person entering into such agreement, whether engaged upon the first commencement thereof or otherwise, shall enter into and sign the same in the manner hereby required for other foreign-going ships; and every person engaged thereunder, if discharged in any port in British India, shall be discharged in the manner

hereby required for the discharge of seamen belonging to other foreign-going ships.

Engagement and discharge of seamen in the meantime.

74. The master of every foreign-going ship for which such a running agreement as aforesaid is made shall, upon every return to any port in British India before the final termination of the agreement, discharge or engage before the Shipping Master at such port any seaman whom he is required by law so to discharge or engage; and shall upon every such return endorse on the agreement a statement (as the case may be) either that no such discharges or engagements have been made or are intended to be made before the ship again leaves port, or that all such discharges or engagements have been duly made as hereinbefore required; and shall deliver the agreement so endorsed to the Shipping Master. Any master who wilfully makes a false statement in such endorsement shall incur a penalty not exceeding two hundred Rupees. The Shipping Master shall also sign an endorsement on the agreement to the effect that the provisions of this Act relating to such agreement have been complied with, and shall re-deliver the agreement so endorsed to the master.

Fees to be paid on such running agreements.

75. For the purpose of determining the fees to be paid upon the engagement and discharge of seamen belonging to foreign-going ships which have running agreements as aforesaid, the crew shall be considered to be engaged when the agreement is first signed, and to be discharged when the agreement finally terminates; and all intermediate engagements and discharges shall be considered to be engagements and discharges of single seamen.

In Home-trade ships agreement to be entered into before a Shipping Master or other witness.

76. In the case of Home-trade ships of a burden exceeding three hundred tons, crews or single seamen may, if the master thinks fit, be engaged before a Shipping Master in the manner hereinbefore directed with respect to foreign-going ships. In every case in which the engagement is not so made, the master shall, before the ship puts to sea if practicable, and if not, as soon afterwards as possible, cause the agreement to be read over and explained to each seaman, and the seaman shall thereupon sign the same in the presence of a witness, who shall attest his signature.

Special agreements for Home-trade ships belonging to same owner.

77. In cases where several Home-trade ships belong to the same owner, the agreement with the seamen may, notwithstanding anything herein contained, be made by the owner instead of by the master, and the seamen may be engaged to serve in any two or more of such ships, provided that the names of the ships and the nature of the service are specified in the agreement; but, with the foregoing exception, all provisions herein contained which relate to ordinary agreements for Home-trade ships shall be applicable to agreements made in pursuance of this Section.

Penalty for shipping seamen without agreement duly executed.

78. If in any case a master carries any seaman to sea without entering into an agreement with him in the form and manner, and at the place and time hereby in such case required, the master shall for each such offence incur a penalty not exceeding fifty Rupees.

Changes in crew to be reported.

79. The master of every foreign-going ship, of which the crew has been engaged before a Shipping Master, shall, before finally leaving British India, sign and send to the nearest Shipping Master a full and accurate statement in form sanctioned by a the Governor General of India in Council, of every change which takes place in his crew before finally leaving British India, and in default shall for each offence incur a penalty not exceeding fifty Rupees; and such statement shall be admissible in evidence subject to all just exceptions.

To prevent infraction of Act, shipping Master may board vessels and muster seamen.

80. For the purpose of preventing any seamen from being shipped at any port in India contrary to the provisions of this Act, the Shipping Master by himself or his deputy may enter at any time on board any ship upon which he shall have reason to believe that seamen have been shipped, and may muster and examine the several seamen employed therein. Any person who shall obstruct the said Shipping Master or deputy in such duty, shall be liable to a penalty not exceeding one hundred Rupees.

Production of agreements and certificates for foreign-going ships.

81. The following rules shall be observed with respect to the production of agreements and certificates of competency or service for foreign-going ships (that is to say),—

(1)—The master of every foreign-going ship shall, on signing the agreement with his crew, produce to the Shipping Master before whom the same is signed, the certificates of competency or service which the said master and his mate are hereby required to possess; and upon such production being duly made, and the agreement being duly executed as hereby required, the Shipping Master shall sign and give to the master a certificate to that effect.

(2)—In the case of running agreements for foreign-going ships, the Shipping Master shall, before the second and every subsequent voyage made after the first commencement of the agreement, sign and give to the master, on his complying with the provisions herein contained with respect to such agreements, and producing to the Shipping Master the certificate of competency or service of any mate then first engaged by him, a certificate to that effect.

(3)—The master of every foreign-going ship, shall, before proceeding to sea, produce the certificate so to be given to him by the Shipping Master as aforesaid to the Collector of Customs, or if there be no Collector of Customs, to the Officer whose duty it is to grant a port-clearance. No Officer of Customs or other Officer shall clear any such ship outwards without such production; and if any such ship attempts to go to sea without a clearance, any such Officer may detain her until such certificate as aforesaid is produced.

(4)—The master of every foreign-going ship shall, within forty-eight hours after the ship's arrival at her final port of destination in British India or upon the discharge of the crew, whichever first happens, deliver such agreement to a Shipping

Master at the place; and such Shipping Master shall thereupon give to the master a certificate of such delivery; and no Officer of Customs or other Officer shall clear any foreign-going ship inwards without the production of such certificate.

And if the master of any foreign-going ship fails to deliver the agreement to a Shipping Master at the time and in the manner hereby directed, he shall for every default incur a penalty not exceeding fifty Rupees.

Rules as to production of agreements and certificates for Home-trade ships.

82. The following rules shall be observed with respect to the production of agreements and certificates of competency or service for Home-trade ships of a burden exceeding three hundred tons (that is to say),—

(1)—No such agreement shall extend beyond the next following thirtieth day of June or thirty-first day of December, or the first arrival of the ship at her final port of destination in British India after such date, or the discharge of cargo consequent upon such arrival.

(2)—The master or owner of every such ship shall, within twenty-one days after the thirtieth day of June and the thirty-first day of December in every year, or (if the ship is not at any port in British India within twenty-one days after either the thirtieth day of June or the thirty-first day of December in any year), within forty-eight hours after her next arrival at any port in British India, transmit or deliver to some Shipping Master in British India every agreement made within the six calendar months next preceding such days respectively, and shall also produce to the Shipping Master the certificates of competency or service which the said master and his mate are hereby required to possess.

(3)—The Shipping Master shall thereupon give to the master or owner a certificate of such delivery and production; and no Officer of Customs or other Officer authorized to grant a port-clearance shall grant a clearance for any such ship without the production of such certificate; and if any such ship attempts to go to sea without such clearance, any such Officer may detain her until the said certificate is produced.

And if the agreement for any Home-trade ship is not delivered or transmitted by the master or owner to a Shipping Master at the time and in the manner hereby directed, such master or owner shall, for every default, incur a penalty not exceeding fifty Rupees.

Alterations to be void, unless attested to have been made with the consent of all parties.

83. Every erasure, interlineation, or alteration in any such agreement with seamen, as is required by this Act (except additions so made as hereinbefore directed for shipping substitutes or persons engaged subsequently to the first departure of the ship), shall be wholly inoperative, unless proved to have been made with the consent of all the persons interested in such erasure, interlineation, or alteration by the written attestation (if made in Her Majesty's Dominions) of some Shipping Master, Justice, Officer of Customs, or other public functionary, or (if made out of Her Majesty's Dominions) of a British Consular Officer, or where there is no such Officer, of two respectable British Merchants.

Copy of agreement to be made accessible to crew.

84. The master shall, at the commencement of every voyage or engagement cause a legible copy of the agreement, and if necessary a translation thereof in a language understood by the majority of the crew (omitting the signatures), to be placed or posted up in such part of the ship as to be accessible to the crew, and in default shall for each offence incur a penalty not exceeding fifty Rupees.

Seamen discharged before voyage to have compensation.

85. Any seaman who has signed an agreement, and is afterwards discharged before the commencement of the voyage, or before one month's wages are earned, without fault on his part justifying such discharge, and without his consent, shall be entitled to receive from the master or owner, in addition to any wages he may have earned, due compensation for the damage thereby caused to him, not exceeding one month's wages, and may, on adducing such evidence as the Court or Magistrate hearing the case deems satisfactory, of his having been so improperly discharged as aforesaid, recover such compensation as if it were wages duly earned.

Relief of destitute lascars.

86. The Government of India shall take charge of and send home, or otherwise provide for, all persons being lascars or other Natives of British India who are found destitute in the United Kingdom; and if any such person is relieved or maintained by any guardians, overseers, or other persons administering the relief of the poor, such overseers, guardians, or other persons may, by letter sent through the Post or otherwise, give notice thereof in writing to the Permanent Under-Secretary of State for India, specifying, so far as is practicable, the following particulars, *viz.*:—

(1)—The name of the person so relieved or maintained.

(2)—The Presidency or District or part of British India of which he professes to be a native.

(3)—The name of the ship in which he was brought to the United Kingdom.

(4)—The port or place abroad from which such ship sailed, and the port or place in the United Kingdom at which such ship arrived, when he was so brought to the United Kingdom, and the time of such arrival.

And the Government of India shall repay to the said overseers, guardians, or other persons, out of the revenues of British India, all moneys duly expended by them in relieving or maintaining such destitute person, after the time at which such notice aforesaid is sent or otherwise given.

PART VIII.—OF SEAMEN'S WAGES.

(a)—Regulation of Advances.

Regulation of advances and advance-notes.

87. No advance of wages shall be made or advance-note given to any person but the seaman himself. No advance of wages shall be made or advance-note given for any greater sum than the amount of one month's wages, nor unless the agreement contains a stipulation for the same and

an accurate statement of the amount thereof. No advance-note shall be given to any seaman who signs the agreement before a Shipping Master, unless in the presence of such Shipping Master.

Advances irregularly or improperly made, not to be a discharge of wages.

88. If any advance of wages is made or any advance-note given to any seaman in any such manner as to constitute a breach of any of the above provisions, the wages of such seaman shall be recoverable by him as if no such advance had been made or advance-note given, and in the case of any advance-note so given, no person shall be sued thereon under the provisions hereinafter contained, unless he was in person or by his agent a party to the irregular or improper manner of giving the same.

(b)—Allotment of Wages.

Stipulations for allotment, to be inserted in the agreement.

89. All stipulations for the allotment of any part of the wages of a seaman during his absence, which are made at the commencement of the voyage, shall be inserted in the agreement, and shall state the amounts and times of the payments to be made. All allotment-notes shall be in forms sanctioned by the Local Government, and shall be made for the benefit only of a relative of the seaman or some member of his family to be named in the note, and shall be payable to the Shipping Master on account of such relative of the seaman or member of his family. Such allotment shall not in any case exceed one-third of the wages of the seaman.

Allotment-notes.

Owner, &c., to pay to Shipping Master the sums allotted.

90. The owner or any agent who has authorized the drawing of an allotment-note shall pay to the Shipping Master on demand the sums allotted by the note, when and as the same are made payable, unless the seaman is shown in manner hereinafter mentioned to have forfeited or ceased to be entitled to the wages out of which the allotment is to be paid. In the event of such sums not being paid to the Shipping Master on demand, the Shipping Master may sue for and recover them with costs. The seaman shall be presumed to be duly earning his wages, unless the contrary is shown to the satisfaction of the Court or Magistrate, either by the official statement of the change in the crew caused by his absence made and signed by the master, as by this Act is required, or by a duly certified copy of some entry in the official log-book to the effect that he has died or left the ship, or by a credible letter from the master of the ship to the same effect, or by such other evidence, of whatever description, as the Court or Magistrate trying the case considers sufficient to show satisfactorily that the seaman has ceased to be entitled to the wages out of which the allotment is to be paid.

Suits on allotment-notes

Evidence.

Receipts and payments by Shipping Master on account of allotment-notes.

91. The Shipping Master, on receiving any such sum as aforesaid, shall pay it over to the person named in the allotment-note. All such receipts and payments shall be entered in a book, and all entries in the said book shall be authenticated by the signature of the Shipping Master or his deputy, and the said book shall be at all times open to the inspection of the parties concerned.

(c)—Discharge and payment of Wages.

Discharge from foreign-going ships to be made before Shipping Master.

92. All seamen discharged from any foreign-going ship at any port in British India in whatever part of Her Majesty's dominions the ship is registered, shall be discharged and receive their wages in the presence of a Shipping Master duly appointed under this Act, except in cases where some competent Court otherwise directs. And any master or owner of any such ship who discharges any seaman belonging thereto, or except as aforesaid pays his wages in any other manner, shall incur a penalty not exceeding one hundred Rupees. In the case of Home-trade ships of a burden exceeding three hundred tons, seamen may, if the owner or master so desires, be discharged and receive their wages in like manner.

Master to deliver account of wages.

93. Every master shall, not less than twenty-four hours before paying off or discharging any seaman, deliver to him, or, if he is to be discharged before a Shipping Master, to such Shipping Master, a full and true account, in a form sanctioned by the Local Government, of his wages and of all deductions to be made therefrom on any account whatever, and in default shall for each offence incur a penalty not exceeding fifty Rupees. No deduction from the wages of any seamen (except in respect of any matter happening after such delivery) shall be allowed unless it is included in the account so delivered. The master shall during the voyage enter the various matters in respect of which such deductions are made, with the amounts of the respective deductions as they occur, in a book to be kept for that purpose, and shall, if required, produce such book at the time of the payment of wages and also upon the hearing before any competent authority of any complaint or question relating to such payments.

On discharge, masters to give seamen certificates of discharge, and return certificates of competency or service to mates.

94. Upon the discharge of any seaman or upon payment of his wages, the master shall sign and give him a certificate of his discharge, in a form sanctioned by the Local Government, specifying the period of his service and the time and place of his discharge. If any master fails to sign and give to any such seaman such certificate of discharge, he shall, for each such offence, incur a penalty not exceeding one hundred Rupees. The master shall also, upon the discharge of every certificated mate whose certificate of competency or service has been delivered to and retained by him, return such certificate, and shall in default incur a penalty not exceeding two hundred Rupees.

Shipping Master may decide questions which parties refer to him.

95. Every Shipping Master shall hear and decide any question whatever between a master or owner and any of his crew which both parties agree in writing to submit to him; and every award so made by him shall be binding on both parties, and shall in any legal proceeding which may be taken in the matter before any Court or Magistrate, be deemed to be conclusive

as to the rights of the parties; and any document purporting to be such submission or award shall be *primâ facie* evidence thereof.

Enforcement of award

An award made by a Shipping Master under this section may be enforced by a Magistrate in the same manner as an order for the payment of wages made by such Magistrate under the provision of Section 106.

Master and others to produce ship's papers to Shipping Masters, and give evidence.

96. In any proceeding relating to the wages, claims, or discharge of any seaman carried on before any Shipping Master under the provisions of this Act, such Shipping Master may call upon the owner or his agent or upon the master or any mate or other member of the crew, to produce any log-books, papers, or other documents in their respective possession or power relating to any matter in question in such proceeding, and may call before him and examine any of such persons being then at or near the place on any such matter. Every owner, agent, master, mate, or other member of the crew who, when called upon by the Shipping Master, does not produce any such paper or document as aforesaid if in his possession or power, or does not appear and give evidence, shall, unless he shows some reasonable excuse for such default, for each such offence incur a penalty not exceeding fifty Rupees.

Rules as to Settlement of wages.

97. The following rules shall be observed with respect to the settlement of wages (that is to say),—

Release to be signed before and attested by the Shipping Master.

(1)—Upon the completion before a Shipping Master of any discharge and settlement, the master or owner and each seaman shall respectively, in the presence of the Shipping Master, sign, in a form sanctioned by the Local Government, a mutual release of all claims in respect of the past voyage or engagement, and the Shipping Master shall also sign and attest the release and shall retain the same.

To be a discharge.

(2)—Such release so signed and attested shall operate as a mutual discharge and settlement of all demands between the parties thereto in respect of the past voyage or engagement.

And to be evidence.

(3)—A copy of such release, certified under the hand of such Shipping Master to be a true copy, shall be given by him to any party thereto requiring the same, and such copy shall be receivable in evidence upon any future question touching such claims as aforesaid, and shall have all the effect of the original of which it purports to be a copy.

No other receipt to be a discharge.

(4)—In cases in which discharge and settlement before a Shipping Master are hereby required, no payment, receipt, settlement, or discharge otherwise made shall operate or be admitted as evidence of the release or satisfaction of any claim.

Voucher to be given to master and to be evidence.

(5)—Upon any payment being made by a master before a Shipping Master, the Shipping Master shall, if required, sign and give to such master a statement of the whole amount so paid, and such statement shall, as between the master and his employer, be received as evidence that he has made the payments therein mentioned.

(d)—Legal Rights to Wages.

Right to wages and provisions when to begin.

98. A seaman's right to wages and provisions shall be taken to commence either at the time at which he commences work, or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens.

Seamen not to give up certain rights.

99. No seaman shall by any agreement forfeit his lien upon the ship, or be deprived of any remedy for the recovery of his wages to which he would otherwise have been entitled; and every stipulation in any agreement inconsistent with any provision of this Act, and every stipulation by which any seaman consents to abandon his rights to wages in the case of the loss of the ship, or to abandon any right which he may have or obtain in the nature of salvage, shall be wholly inoperative. Nothing contained in the former part of this section shall apply to the case of any stipulation made by the seamen belonging to any ship, which, according to the terms of the agreement, is to be employed on salvage service, with respect to the remuneration to be paid to them for salvage services to be rendered by such ship to any other ship or ships.

Salvage services.

Wages not to be dependent on the earning of freight.

100. No right to wages shall be dependent on the earning of freight. Every seaman and apprentice who would be entitled to demand and recover any wages, if the ship in which he has served had earned freight, shall, subject to all other rules of law and conditions applicable to the case, be entitled to claim and recover the same notwithstanding that freight has not been earned; but in all cases of wreck or loss of the ship, proof that he has not exerted himself to the utmost to save the ship, cargo and stores, shall bar his claim.

In case of death, such wages to be paid as after-mentioned.

101. If any seaman or apprentice to whom wages are due under the last preceding section dies before the same are paid, they shall be paid and applied in the manner hereinafter specified with regard to the wages of seamen who die during a voyage.

Rights to wages in case of termination of service by wreck or illness.

102. In cases where the service of any seamen terminates before the period contemplated in the agreement by reason of the wreck or loss of the ship, and also in cases where such service terminates before such period as aforesaid by reason of his being left on shore at any place abroad under a certificate of his unfitness or inability to proceed on the voyage granted under the provisions of the Merchant Shipping Act, 1854, such seaman shall be entitled to wages for the time of service prior to such termination as aforesaid, but not for any further period.

Wages not to accrue during refusal to work or imprisonment.

103. No seaman or apprentice shall be entitled to wages for any period during which he unlawfully refuses or neglects to work when required, whether before or after the

time fixed by the agreement for his beginning work; nor, unless the Court or Magistrate hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offence committed by him.

Period within which wages are to be paid.

104. The master or owner of every ship shall pay to every seaman his wages within three days after the cargo has been delivered, or within five days after the seaman's discharge, whichever first happens. The seaman shall, at the time of his discharge, be entitled to be paid on account a sum equal to one-fourth part of the balance due to him. Every master or owner who neglects or refuses to make payment in manner aforesaid without sufficient cause, shall pay to the seaman a sum not exceeding the amount of two days' pay for each of the days not exceeding ten days during which payment is delayed beyond the respective periods aforesaid, and such sum shall be recoverable as wages.

What sum in the current coin of India shall be recovered by seaman under an agreement expressing his wages, &c., to be payable in a foreign coin.

105. When any monies are payable in British India to any seaman or apprentice for wages, or otherwise under any agreement wherein such monies are expressed to be payable in some denomination of coin other than the current coin of the port or place wherein the same have become payable, the seaman or apprentice shall be entitled to demand and recover, in the current coin of such port or place, the amount due to him estimated according to the established par value of the coin wherein the same is so expressed to be payable.

(e)—Mode of recovering Wages.

Seaman may sue summarily before any Magistrate for wages not exceeding 500 Rupees.

106. Any seaman or apprentice, or any person duly authorized on his behalf, may sue, in a summary manner, before any Magistrate acting in or near to the place at which the service has terminated, or at which the seaman or apprentice has been discharged, or at which any person upon whom the claim is made is or resides, for any amount of wages due to such seaman or apprentice not exceeding five hundred Rupees. Every order made by such Magistrate in the matter, shall be final.

Order of Magistrate to be final.

Levy of wages by distress.

107. When an order for the payment of wages is made by a Magistrate under the last preceding section, and the wages are not paid at the time and in the manner prescribed, the sum mentioned in the order, with such further sum as may be thereby awarded for costs, shall be levied by distress and sale of the goods and chattels of the person directed to pay the same under a warrant to be issued for that purpose by the Magistrate.

No suit for wages under 500 Rupees to be instituted in Admiralty Court, &c., except in certain cases.

108. No suit or proceeding for the recovery of wages under the sum of five hundred Rupees shall be instituted by or on behalf of any seaman or apprentice in any Court of Admiralty or Vice-Admiralty, or in any Court of Civil Judicature other than the Court of Small Causes, where such Court exists, unless the owner of the ship is adjudged bankrupt or declared insolvent, or unless the ship is under arrest, or is sold by the authority of any such Court, or unless the Magistrate, acting under the authority of this Act, refers the case to be adjudged by such Court.

Master to have same remedies for wages as seamen.

109. Every master of a ship, whether British or foreign, shall, so far as the case permits, have the same rights, liens and remedies for the recovery of his wages (subject to all just deductions) which by this Act or by any law or custom any seaman, not being a master, has for the recovery of his wages; and if, in any proceeding in any Court of Admiralty or Vice-Admiralty touching the claim of a master to wages, any right of set-off or counter-claim is set up, it shall be lawful for such Court to enter into and adjudicate upon all questions, and to settle all accounts then arising or outstanding and unsettled between the parties to the proceeding, and to direct payment of any balance which is found to be due.

Explanation.—A master is entitled, under this section and section 104, to double pay for the number of days (not exceeding ten) during which the payment of his wages is improperly withheld; but he is not so entitled if he himself causes the delay by improperly keeping back the accounts of the ship.

PART IX.—*Of the Wages and Effects of deceased Seamen.*

Master to take charge of effects of deceased seamen.

110. Whenever a seaman or apprentice, on a voyage which is to terminate at any port in British India dies during such voyage, the master shall take charge of all money, clothes and effects which he leaves on board, and shall enter in the official log-book a statement of the amount of money, and a description of the effects left by the deceased, and in case of a sale of such effects, the sum received for each article sold.

Effects and wages to be paid to Shipping Master with full accounts.

111. The master shall, within forty-eight hours after his arrival at his port of destination in British India, deliver any such effects as aforesaid, and pay any money which he has taken charge of or received, and also the wages due to deceased, to the Shipping Master at such port, and shall give to such Shipping Master an account of the effects, money and wages so to be delivered and paid. No deductions claimed in such account shall be allowed unless verified, if there is an official log-book, by the entry therein hereinbefore required, and also by such other vouchers (if any) as may be reasonably required by the Shipping Master to whom the account is rendered.

Penalties for not taking charge of or accounting for such monies and effects.

112. If the master fails to take such charge of the money or other effects of a seaman or apprentice dying during a voyage, or to make such entries in respect thereof, or to make such payment or delivery, or to give such account as hereinbefore

respectively directed, he shall be accountable for the money, wages and effects of the seaman or apprentice to the Shipping Master as aforesaid, and shall pay and deliver the same accordingly; and such master shall in addition incur a penalty not exceeding treble the value of the money or effects, or if such value is not ascertained, not exceeding five hundred Rupees. All money, wages and effects of any seaman or apprentice dying during a voyage shall be recoverable in the same Courts, and by the same modes of proceeding by which seamen are hereby enabled to recover wages due to them.

Wages and property of deceased seamen may be paid without probate.

113. When money or effects left by or due to any deceased seaman or apprentice, are paid or delivered to a Shipping Master, then, subject to such deductions for expenses incurred in respect of the seaman or apprentice, or of his said money and effects as the Shipping Master thinks proper to allow, the Shipping Master may pay and deliver the said money and effects to any claimants who can prove themselves to the satisfaction of the said Shipping Master to be entitled thereto, and the said Shipping Master shall be thereby discharged from all further liability in respect of the money and effects so paid and delivered; or if he think fit so to do, the Shipping Master may require probate or letters of administration or a certificate under Act No. XX of 1841 *(for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons)*, to be taken out, and thereupon pay and deliver the said money and effects to the legal representative of the deceased.

Disposal of wages or effects of deceased seamen, not claimed within one year.

114. In cases of wages or effects of deceased seamen or apprentices received by any Shipping Master to which no claim is substantiated within one year from the receipt thereof by such Shipping Master, it shall be the duty of the Shipping Master to cause such effects to be sold and to pay the proceeds of the sale and the unclaimed wages into the public Treasury.

If subsequent claim be made thereto.

If any subsequent claim is made to such money, and is established to the satisfaction of the Shipping Master, the amount or so much as shall appear to be due to the claimant, shall be paid out of the public Treasury. If the claim is not established to the satisfaction of the Shipping Master, the claimant may apply by petition in a summary way to the High Court of Judicature at Fort William, Madras or Bombay, as the case may be, and such Court, after taking evidence either orally or on affidavit, shall make such order on the petition as shall seem just: Provided that, after the expiration of six years from the receipt of such wages or effects by the Shipping Master, no such claim shall be entertained without the sanction of the Local Government.

Proviso.

PART X.—*Of the Provisions, Health, and Accommodation of Seamen.*

Survey of provisions and water on complaint made.

115. Any three or more of the crew of any ship registered at, trading with, or being at any port or place in British India, may complain to any Shipping Master or other Officer duly appointed in this behalf by the Local Government that the provisions or water for the use of the crew are at any time of bad quality, unfit for use, or deficient in quantity. Such Officer may thereupon examine the said provisions or water or cause them to be examined; and if, on examination, such provisions or water are found to be of bad quality and unfit for use, or to be deficient in quantity, the person making such examination shall signify the same in writing to the master of the ship. If such master does not thereupon provide other proper provisions or water in lieu of any so signified to be of a bad quality and unfit for use, or does not procure the requisite quantity of any so signified to be insufficient in quantity, or uses any provisions or water which have been so signified as aforesaid to be of a bad quality and unfit for use, he shall, in every such case, incur a penalty not exceeding two hundred Rupees. Upon every such examination as aforesaid, the Officers making or directing the same shall enter a statement of the result of the examination in the official log, and shall send a report thereof to the Shipping Master, and such report, if produced out of the custody of such Shipping Master, shall be received in evidence in any legal proceeding.

Forfeiture for frivolous complaint.

116. If the Officer to whom any such complaint as last aforesaid is made, certifies in such statement as aforesaid that there was no reasonable ground for such complaint, each of the parties so complaining shall be liable to forfeit to the owner out of his wages a sum not exceeding one week's wages.

Allowance for short or bad provisions.

117. In the following cases (that is to say),—

(1)—If during a voyage the allowance of any of the provisions which any seaman has by his agreement stipulated for, is reduced (except in accordance with any regulations for reduction by way of punishment contained in the agreement, and also except for any time during which such seaman wilfully and without sufficient cause refuses or neglects to perform his duty or is lawfully under confinement for misconduct, either on board or on shore):

(2)—If it is shown that any of such provisions are or have during the voyage been bad in quality and unfit for use.

The seaman shall receive by way of compensation for such reduction or bad quality, according to the time of its continuance, the following sums, to be paid to him in addition to and to be recoverable as wages (that is to say),—

(1)—If his allowance is reduced by any quantity not exceeding one-third of the quantity specified in the agreement, a sum not exceeding three annas in the case of a European seaman or other person shipped on the same footing as a European seaman, or one anna in the case of a lascar or Native seaman:

(2)—If his allowance is reduced by more than one-third of such quantity, six annas in the case of a European seaman or other person shipped on the same footing as a European seaman, or two annas in the case of a lascar or Native seaman:

(3)—In respect of such bad quality as aforesaid, a sum not exceeding eight annas in the case of a European seaman or other person shipped on the same footing as a European seaman, or three annas in the case of a lascar or Native seaman:

But if it is shown to the satisfaction of the Court or Magistrate trying the case, that any provisions, the allowance of which has been reduced, could not be procured, or supplied in proper quantities, and that proper and equivalent substitutes were supplied in lieu thereof, such Court or Magistrate shall take such circumstances into consideration, and shall modify or refuse compensation as the justice of the case may require.

Illustration.—Owing to the unexpected length of a voyage, the crew of a vessel are put on short allowance. They are entitled to compensation under this section.

Medicines, &c., to be provided and kept on board certain ships.

118. All foreign-going ships and all Home-trade ships of a burden exceeding three hundred tons, shall have always on board a sufficient supply of medicines and appliances, suitable for diseases and accidents likely to happen on sea-voyages, according to such scale as shall be from time to time issued by the Local Government with the approval of the Governor General of India in Council, and published at Calcutta, Madras, and Bombay in the *Gazettes*, and in default thereof, the owner or master of every such ship shall be liable to a penalty not exceeding two hundred Rupees: Provided, however, that this section shall not apply to ships navigating from the United Kingdom and coming within the provisions of Section 224 of the Merchant Shipping Act, 1854. Nothing herein contained shall interfere with a seaman's right to maintain a suit in respect of a special damage resulting to him from the breach of the duty imposed by this section.

Proviso.

Masters to keep weights and measures on board.

119. Every master shall keep on board proper weights and measures for the purposes of determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out such provisions and articles in the presence of a witness whenever any dispute arises about such quantities, and in default shall for every offence incur a penalty not exceeding one hundred Rupees.

Expense of medical attendance and subsistence in case of illness, how to be defrayed.

120. Whenever the master or any seaman of any ship registered at any place in British India shall receive any hurt or injury in the service of the vessel, the expense of providing the necessary surgical and medical advice and attendance with medicines, and of his subsistence, until he shall be cured or shall be brought back to the port from which he was shipped or other port agreed upon, shall be defrayed, with the cost of his conveyance to such port, by the owner of the vessel without any deduction on that account from the wages of such master, officer, or seaman; and if paid by himself may be recovered as part of his wages; and if paid or allowed out of any monies forming part of the revenues of British India, shall be a charge upon the ship, and may be recovered with full costs of suit by the Secretary of State in Council.

Place to be appropriated.

121. A place or places of shelter shall be provided below a well-caulked and substantial deck for the men engaged under this Act. Such place or places shall be so arranged as to allow for the men the following spaces:—

To European seamen.

(1)—For each European seaman or apprentice, or other person shipped on the same footing as an European seaman, nine superficial feet if the place be not less than six feet in height from deck to deck, or fifty-four cubic feet if the height from deck to deck be less than six feet:

To lascars or Native seamen.

(2)—For each lascar or Native seaman, or other person shipped on the same footing as a lascar, four superficial feet, and if the place allotted be under the top-gallant forecastle, such forecastle deck shall be not less than four feet six inches above the one below it.

Place to be kept clear.

Every such place shall be kept free from stores or goods of any kind, not being the personal property of the crew in use during the voyage.

Penalty if place be not properly constructed.

If any such place in any ship is not in the whole sufficiently large to give such space for each seaman and apprentice as hereinbefore required, or is not properly caulked and in all other respects securely and properly constructed and well ventilated, the owner shall, for every such failure to comply with the provisions of this section, incur a penalty not exceeding two hundred Rupees.

Penalty for not keeping space clear.

If any such space as aforesaid is not kept free from goods and stores as aforesaid, the master shall, for every such failure to comply with the provisions of this section, incur a penalty not exceeding one hundred Rupees.

Shipping Master, &c., may board any ship, and inspect provisions, &c.

122. The Shipping Master at any port in British India, by himself or his deputy, may enter at any time on board of any ship upon which seamen have been shipped at such port, and inspect the provisions and water provided for the use of the crew, and the medicines and appliances and the accommodation for seamen prescribed by this Act or by the Merchant Shipping Act, 1854.

Procedure if provisions, &c., are found to be of a bad quality.

If on inspection the provisions or water are found to be of bad quality and unfit for use or to be deficient in quantity, the Shipping Master shall proceed as provided in Section 115, and the penalty prescribed in the said section shall be incurred by any default of the master of the ship in respect of such provisions or water.

PART XI.—*Of Complaints by Seamen.*

Seamen to be allowed to go ashore to make complaint to a Magistrate.

123. If any seaman or apprentice, whilst on board any ship, states to the master that he desires to make complaint to a Magistrate against the master or any of the crew, the said master shall, if the ship is then at a place where there is a Magistrate, so soon as the service

of the ship will permit, and if the ship is not then at such a place, so soon after her first arrival at such a place as the service of the ship will permit, allow such seaman to go ashore, or send him ashore in proper custody, so that he may be enabled to make such complaint, and shall in default incur a penalty not exceeding one hundred Rupees.

PART XII.—*Of Protection of Seamen from Imposition.*

Sale of and charge upon wages to be invalid.

124. No wages due are accruing to any seamen or apprentice shall be subject to attachment from any Court. Every payment of wages to a seaman shall be valid in law, notwithstanding any previous sale or assignment of such wages or of any incumbrance thereon. No assignment or sale of such wages, or of salvage made prior to the accruing thereof, shall bind the party making the same. No power of attorney or authority for the receipt of any such wages or salvage shall be irrevocable.

No debt exceeding three Rupees recoverable till end of voyage.

125. No debt exceeding in amount three Rupees incurred by any seaman after he has engaged to serve, shall be recoverable until the service agreed for is concluded.

Penalty for overcharges by lodging-house-keepers.

126. If any person demands or receives from any seaman or apprentice payment in respect of his board or lodging in the house of such person for a longer period than such seaman or apprentice has actually resided or boarded therein, he shall incur a penalty not exceeding one hundred Rupees.

Penalty for detaining seamen's effects.

127. If any person receives or takes into his possession or under his control any monies, documents, or effects of any seaman or apprentice, and does not return the same or pay the value thereof when required by such seaman or apprentice, subject to such deduction as may be justly due to him from such seaman or apprentice in respect of board or lodging or otherwise, or absconds therewith, he shall incur a penalty not exceeding one hundred Rupees. Any Magistrate may, besides inflicting such penalty by summary order, direct the amount or value of such monies, documents, or effects, subject to such deduction as aforesaid, to be forthwith paid to such seaman or apprentice.

Persons not to go on board before the final arrival of ship, without permission.

128. Every person who, not being in the service of Her Majesty, and not being duly authorized by law for the purpose, goes on board any ship about to arrive at the place of her destination before her actual arrival at the place of her discharge, without the permission of the master, shall, for every such offence, incur a penalty not exceeding two hundred Rupees. The master or person in charge of such ship may take any such person so going on board as aforesaid into custody, and deliver him up forthwith to any Police Officer, to be by him taken before a Magistrate to be dealt with according to the provisions of this Act.

Penalty for solicitations by lodging-house-keepers.

129. If, within twenty-four hours after the arrival of any ship at any port in British India, any person then being on board such ship solicits any seaman to become a lodger at the house of any person letting lodgings for hire, or takes out of such ship any effects of any seaman, except under his personal direction and with the permission of the master, he shall, for every such offence, incur a penalty not exceeding fifty Rupees.

PART XIII.—*Of Discipline.*

Penalty for misconduct endangering ship or life or limb.

130. Any master of, or any seaman or apprentice belonging to any ship registered at, trading with, or being at any port or place in British India, who by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, does any act tending to the immediate loss, destruction, or serious damage of such ship, or tending immediately to endanger the life or limb of any person belonging to or on board of such ship, or who by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board of such ship from immediate danger to life or limb, shall, for every such offence, be liable to imprisonment, with or without hard labour, for a term not exceeding two years.

Explanation.—To sustain a charge under this section, it is not necessary that the act done or omitted should be followed by actual loss, destruction, or damage of the ship.

Admiralty Court in British India may in certain cases remove master and appoint a new master.

131. Any Court having Admiralty jurisdiction in British India may, upon application by the owner of any ship being within the jurisdiction of such Court, or by the part owner or consignee, or by the agent of the owner, or by any certificated mate, or by one-third or more of the crew of such ship, and upon proof on oath to the satisfaction of such Court that the removal of the master of such ship is necessary, remove him accordingly; and may also, with the consent of the owner or his agent, or the consignee of the ship, or if there is no owner or agent of the owner or consignee of the ship within the jurisdiction of the Court, then without such consent, appoint a new master in his stead, and may also make such order and may require such security in respect of costs in the matter as it thinks fit.

Court authorized to make enquiry into charges against masters, mates, and engineers, and to report to Local Government.

132. Every Court having Admiralty jurisdiction in British India, and the principal Court of Ordinary Criminal Jurisdiction at every Port in British India where there is no Court having Admiralty jurisdiction, may, upon application by the Advocate General of the Presidency in which such Court is situate, or by any of the applicants mentioned in Section 131, investigate and try charges of incompetency or misconduct on the part of any master, mate, or engineer of any ship, who shall have obtained his certificate from the Board of

Trade, or from any Local Government, and make enquiry as to shipwreck or other casualties affecting ships, wherever such shipwreck or causalties may have occurred. If on such investigation it shall appear to any such Court as aforesaid that the loss or abandonment of, or any serious damage to, any ship, or loss of life, has been caused by the wrongful act or default of any such master, mate, or engineer, or that any such master, mate, or engineer has been guilty of any gross act of misconduct, drunkenness, or tyranny, such Court may suspend, for such period as it shall think fit, or may cancel such certificate, whether of competency or service, of such master, mate, or engineer, and the Court shall report the same to the Local Government within whose limits such Court is situated: Provided that no certificate shall be cancelled or suspended, unless a copy of the report, or a statement of the case upon which the investigation is made, shall have been furnished to the owner of the certificate before the commencement of the investigation: Provided also that the report of such Court is confirmed by the Local Government last aforesaid.

Proviso.

133. Every Court by which any investigation or trial is held under Section 132, shall, at the conclusion of the case, or as soon afterwards as possible, state in open Court the decision to which they may have come with respect to cancelling or suspending certificates, and shall, in cases where the certificate has been granted by the Board of Trade, send a full report upon the case with the evidence to the Board of Trade; and shall also, if they determine to cancel or suspend any such certificate, forward the same to the Board of Trade with their report. In cases where the certificate has been granted by any Local Government, the Court shall send a full report upon the case with the evidence to such Local Government; and shall also, if they determine to cancel or suspend any such certificate, forward the same with their report to the same Local Government.

Procedure of such Court.

134. If the Local Government, on the information of any Shipping Master, or on any other ground, has reason to believe that any master or mate who has obtained a certificate of competency or service from such Government, or from any other Local Government, is, from incompetency or misconduct, unfit to discharge his duties, it may direct any Board or Officer at or near to the place at which it may be convenient for the parties and witnesses to attend, to institute an investigation; and thereupon such Board or Officer shall conduct the investigation into such charge of incompetency or misconduct, and shall, on the conclusion of the investigation, make a report upon the case to the Local Government which ordered the investigation.

Local Government may direct investigation in cases of incompetency and misconduct.

135. For the purpose of any such enquiry under Section 132 or Section 134, the Court, Board, or Officer may summon the master, mate, or engineer, as the case may be, to appear, and shall give him full opportunity of making a defence, either in person or otherwise, and may summon and examine witnesses, and may make such order with respect to the costs of such investigation, and may require such security for costs, as such Court, Board, or Officer may deem just. Every order in respect of costs under this section may be enforced in like manner as a fine may be enforced by a Magistrate in the port where such investigation is held.

Powers of Court, &c., in making enquiry.

136. The Local Government may suspend or cancel the certificate (whether of competency or service) granted by such Local Government, or by any other Local Government, under Act No. I of 1859, or this Act, to any master or mate, in the following cases (that is to say),—

Local Government may cancel or suspend certificates in certain cases.

(1)—If upon any investigation conducted under the provisions of Sections 43, 44 and 45, it is reported that the loss or abandonment of, or serious damage to, any ship, or loss of life, has been caused by his wrongful act or default:

Loss, abandonment, or serious damage by default of master or mate.

(2)—If upon any investigation held under Section 134, the master or mate shall be reported to be incompetent, or to have been guilty of any gross act of misconduct, drunkenness, or tyranny:

Incompetency, gross misconduct, drunkenness, or tyranny of master or mate.

(3)—If upon any investigation held under the provisions of the Merchant Shipping Act, 1854, or the Merchant Shipping Amendment Act, 1862, or upon any investigation made by a Naval Court constituted as is provided by any law for the time being in force, or upon any investigation made by any Court or Tribunal authorized or hereafter to be authorized by the Legislative authority in any British possession to make enquiry into charges of incompetency or misconduct on the part of masters or mates of ships, or as to shipwreck or other casualties affecting ships, it is reported that the loss or abandonment of, or serious damage to, any ship, or loss of life, has been caused by his wrongful act or default; or that he has been guilty of any gross act of misconduct, drunkenness, or tyranny. Provided always that, in the case of any report by any such last-mentioned Court or Tribunal, the report shall have been confirmed by the Governor or person administering the Government of such possession:

Or after other investigations.

(4)—If he has been superseded by the order of any Admiralty Court, or of any Naval Court constituted as provided by the Merchant Shipping Act, 1854, or any other law for the time being in force:

Supersession.

(5)—If he is shewn to have been convicted of any offence.

Conviction of any offence.

137. Every master, mate, or engineer whose certificate is cancelled or suspended under the provisions of this Act, shall deliver it to the Shipping Master, or to such other person as the Court or the Local Government which cancelled or suspended the certificate shall direct, and in default shall, for each offence, incur a penalty not exceeding five hundred Rupees: Provided that if the Local Government which cancels or suspends a certificate

Master, mate, or engineer to deliver up his certificate. Penalty otherwise.

Report to other Local Governments.

of a master or mate, is not the Local Government that granted the same, the Local Government which so cancels or suspends the certificate shall report the proceedings; and the fact of cancelment or suspension, to the Local Government which granted such certificate: Provided also, that it shall be competent to any Local Government at any subsequent time to grant to any person whose certificate has been cancelled, a new certificate of the same or of any lower grade.

Saving of powers vested in certain Admiralty Courts.

138. Nothing contained in Sections 132 to 137 both inclusive, shall be held to affect the powers of removal vested by Section 240 of the Merchant Shipping Act of 1854, or Section 131 of this Act, in Courts having Admiralty jurisdiction in British India. The said powers may be exercised by the principal Court of Ordinary Criminal Jurisdiction at any port in British India where there is no Court having Admiralty jurisdiction, if the master or mate shall have received his certificate from any Local Government.

Same powers may be exercised by Chief Criminal Court in British Indian Port, where there is no Admiralty Court.

Offences of seamen and apprentices, and their punishments.

139. Whenever any seaman who has been lawfully engaged, or any apprentice to the sea-service, commits any of the following offences, he shall be liable to be punished summarily as follows (that is to say),—

Desertion.

(1)—For desertion he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour, and also to forfeit all or any part of the clothes and effects he leaves on board, and all or any part of the wages or emoluments which he has then earned; and also, if such desertion takes place at any port or place not in British India, at the discretion of the Court, to forfeit all or any part of the wages or emoluments he may earn in any other ship in which he may be employed until his next return to any port or place in British India, and to satisfy any excess of wages paid by the master or owner of the ship from which he deserts, to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him:

Explanation.—"Desertion," as here used, means abandoning the ship without the intention of returning, and without just cause:

Neglecting or refusing to join, or to go to sea; absence within twenty-four hours before sailing, and absence without leave.

(2)—For neglecting or refusing, without reasonable cause, to join his ship or to proceed to sea in his ship, or for absence without leave at any time within twenty-four hours of the ship's sailing from any port either at the commencement or during the progress of any voyage, or for absence at any time without leave and without sufficient reason from his ship or from his duty not amounting to desertion or not treated as such by the master, he shall be liable to imprisonment for any period not exceeding ten weeks, with or without hard labour, and also, at the discretion of the Court, to forfeit out of his wages a sum not exceeding the amount of two days' pay, and in addition for every twenty-four hours of absence, either a sum not exceeding six days' pay, or any expenses which have been properly incurred in hiring a substitute:

Quitting without leave before ship is secured.

(3)—For quitting the ship without leave after her arrival at her port of delivery and before she is placed in security, he shall be liable to forfeit out of his wages a sum not exceeding one month's pay:

Act of disobedience.

(4)—For wilful disobedience to any lawful command he shall be liable to imprisonment for any period not exceeding four weeks, with or without hard labour, and also, at the discretion of the Court, to forfeit out of his wages a sum not exceeding two days' pay:

Continued disobedience.

(5)—For continued wilful disobedience to lawful commands, or continued wilful neglect of duty, he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour, and also at the discretion of the Court, to forfeit for every twenty-four hours' continuance of such disobedience or neglect, either a sum not exceeding six days' pay, or any expenses which have been properly incurred in hiring a substitute:

Assault on Officers.

(6)—For assaulting any master or mate he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour:

Combining to disobey.

(7)—For combining with any other or others of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship, or the progress of the voyage, he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour:

Wilful damage and embezzlement.

(8)—For wilfully damaging the ship, or embezzling or wilfully damaging any of her stores or cargo, he shall be liable to forfeit out of his wages a sum equal in amount to the loss thereby sustained, and also, at the discretion of the Court, to imprisonment for any period not exceeding twelve weeks, with or without hard labour:

Act of smuggling, causing loss to owner.

(9)—For any act of smuggling of which he is convicted, and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay to such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage; and the whole or a proportionate part of his wages may be retained in satisfaction or on account of such liability, without prejudice to any further remedy.

Entry of offences to be made in official log, and to be read over, or a copy given to the offender: his reply, if any, to be also entered.

140. Upon the commission of any of the offences enumerated in the last preceding section, an entry thereof shall be made in the official log-book, and shall be signed by the master, and also by the mate or one of the crew; and the offender, if still in the ship, shall, before the next subsequent arrival of the ship at any port, or if she is at the time in port before her departure therefrom, either be furnished with a copy of such entry, or have the same read over distinctly and audibly to him, and may thereupon make such reply thereto as he thinks fit. A statement that a copy of the said entry has been so furnished, or that the same has been so read over as aforesaid, and the reply (if any) made by the offender, shall

likewise be entered and signed in manner aforesaid. In any subsequent legal proceeding, the entries hereinbefore required shall, if practicable, be produced or proved, and in default of such production or proof, the Court hearing the case may, at its discretion, refuse to receive evidence of the offence.

Seamen whom masters of ships are compelled to convey, and persons going to sea in ships without leave, to be subject to penalties for breach of discipline.

141. Every sea-faring person whom the master of any ship is, under the authority of this Act or any law, compelled to take on board and convey, and every person who goes to sea in any ship without the consent of the master or owner or other person entitled to give such consent, shall, so long as he remains in such ship, be subject to the same laws and regulations for preserving discipline, and to the same penalties and punishments for offences constituting or tending to a breach of discipline to which he would be subject if he were a member of the crew and had signed the agreement.

Master or owner may apprehend deserters without warrant.

142. Whenever, either at the commencement or during the progress of any voyage, any seaman or apprentice neglects or refuses to join, or deserts from or refuses to proceed to sea in any ship in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave, the master or any mate, or the owner, ship's husband, or consignee, may, with or without the assistance of Police Officers who are hereby directed to give the same if required, apprehend him without first procuring a warrant; and thereupon in any case, and shall, in case he so requires and it is practicable, convey him before some Court capable of taking cognizance of the matter, to be dealt with according to law; and may, for the purpose of conveying him before such Court, detain him in custody for a period not exceeding twenty-four hours or such shorter time as may be necessary; or may, if he does not so require, or if there is no such Court at or near the place, at once convey him on board. If any such apprehension appears to the Court before which the case is brought, to have been made on improper or on insufficient grounds, the master, mate, owner, ship's husband, or consignee, who makes the same or causes the same to be made, shall incur a penalty not exceeding two hundred Rupees; but such penalty, if inflicted, shall be a bar to any suit for false imprisonment in respect of such apprehension.

Deserters may be sent on board in lieu of being imprisoned.

143. Whenever any seaman or apprentice is brought before any Court on the ground of his having neglected or refused to join, or to proceed to sea in any ship in which he is engaged to serve, or of having deserted or otherwise absented himself therefrom without leave, such Court may, if the master or the owner or his agent so requires, instead of committing the offender to prison, cause him to be conveyed on board for the purpose of proceeding on the voyage, or deliver him to the master or any mate of the ship, or the owner or his agent, to be by them so conveyed, and may in such case order any costs and expenses properly incurred by or on behalf of the master or owner by reason of the offence, to be paid by the offender, and if necessary to be deducted from any wages which he has then earned, or which by virtue of his then existing engagement he may afterwards earn.

Seamen imprisoned for desertion or breach of discipline, may be sent on board before termination of sentence.

144. If any seaman or apprentice is imprisoned on the ground of his having neglected or refused to join, or to proceed to sea in any ship in which he is engaged to serve, or of having deserted or otherwise absented himself therefrom without leave, or of his having committed any other breach of discipline, and if during such imprisonment and before his engagement is at an end his services are required on board his ship, any Magistrate may, at the request of the master or of the owner or his agent, cause such seaman or apprentice to be conveyed on board his said ship for the purpose of proceeding on the voyage, or to be delivered to the master or any mate of the ship, or to the owner or his agent, to be by them so conveyed, notwithstanding that the termination of the period for which he was sentenced to imprisonment has not arrived.

Entries and certificates of desertion abroad to be copied, sent home, and admitted in evidence.

145. In all cases of desertion from any ship registered at a port or place in British India while such ship is at any place out of British India, the master shall produce the entry of such desertion in the official log-book to the person or persons required by the Merchant Shipping Act, 1854, to endorse on the agreement a certificate of such desertion. Such person or persons shall thereupon make and certify a copy of such entry and also a copy of the said certificate of desertion. The master shall forthwith transmit such copies to the Shipping Master at the port where such seaman was engaged, who shall, if required, cause the same to be produced in any legal proceeding. Such copies, if purporting to be so made and certified as aforesaid, shall in any legal proceeding relating to such desertion be received as evidence of the entries therein appearing.

Facilities for proving desertion so far as concerns forfeiture of wages.

146. Whenever a question arises whether the wages of any seaman or apprentice are forfeited for desertion, it shall be sufficient for the party insisting on the forfeiture to show that such seaman or apprentice was duly engaged in, or that he belonged to the ship from which he is alleged to have deserted, and that he quitted such ship before the completion of the voyage or engagement, or if such voyage was to terminate at any port or place in British India, and the ship has not returned, that he is absent from her, and that an entry of the desertion has been duly made in the official log-book. Thereupon the desertion shall, so far as relates to any forfeiture of wages or emoluments under the provisions hereinbefore contained, be deemed to be proved, unless the seaman or apprentice can produce a proper certificate of discharge, or can otherwise show to the satisfaction of the Court, that he had sufficient reasons for leaving his ship.

Explanation.—By desertion the wages for the whole voyage which was not completed at the time of the desertion are forfeited, but not the wages for any other completed voyage.

Costs of procuring imprisonment may, to the extent of 30 Rupees, be deducted from wages.

147. Whenever in any proceeding relating to seamen's wages it is shewn that any seaman or apprentice has in the course of the voyage been convicted of any offence by any competent tribunal and rightfully punished therefor by imprisonment or otherwise, the Court hearing the case may direct a part of the wages due to such seaman, not exceeding thirty Rupees, to be applied in reimbursing any costs properly incurred by the master in procuring such conviction and punishment.

Amount of forfeiture how to be ascertained when seamen contract for the voyage.

148. Whenever any seaman contracts for wages by the voyage, or by the run, or by the share, and not by the month or other stated period of time, the amount of forfeiture to be incurred under this Act shall be taken to be an amount bearing the same proportion to the whole wages or share as the period hereinbefore mentioned in fixing the amount of such forfeiture (as the case may be) bears to the whole time spent in the voyage. If the whole time spent in the voyage does not exceed the period for which the pay is to be forfeited, the forfeiture shall extend to the whole wages or share.

Application of forfeitures.

149. All clothes, effects, wages, and emoluments which, under the provisions hereinbefore contained, are forfeited for desertion, shall be applied in the first instance in or towards the reimbursement of the expenses occasioned by such desertion to the master or owner of the ship from which the desertion has taken place, and may, if earned subsequently to the desertion, be recovered by such master, or by the owner, or his agent, in the same manner as the deserter might have recovered the same if they had not been forfeited; and in any legal proceeding relating to such wages, the Court may order the same to be paid accordingly; and, subject to such reimbursement, the same shall be paid into the public Treasury and carried to the account of Government. In all other cases of forfeiture of wages under the provisions hereinbefore contained, the forfeiture shall, in the absence of any specific directions to the contrary, be for the benefit of the master or owner by whom the wages are payable.

Questions of forfeitures may be decided in suits for wages.

150. Any question concerning the forfeiture of or deductions from the wages of any seaman or apprentice, may be determined in any proceeding lawfully instituted with respect to such wages, notwithstanding that the offence in respect of which such question arises, though hereby made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

Penalty for false statement as to last ship or name.

151. If any seaman, on or before being engaged, wilfully and fraudulently makes a false statement of the name of his last ship, or last alleged ship, or wilfully and fraudulently makes a false statement of his own name, he shall incur a penalty not exceeding fifty Rupees. Such penalty may be deducted from any wages he may earn by virtue of such engagement as aforesaid, and shall, subject to reimbursement of the loss and expenses (if any) occasioned by any previous desertion, be paid and applied in the same manner as other penalties payable under this Act.

Fines to be deducted from wages, and paid to Shipping Master.

152. Whenever any seaman commits an act of misconduct for which his agreement imposes a fine, and which it is intended to punish by enforcing such fine, an entry thereof shall be made in the official log-book, and a copy of such entry shall be furnished or the same shall be read over to the offender, and an entry of such reading over, and of the reply (if any) made by the offender, shall be made in the manner and subject to the conditions hereinbefore specified who respect to the offences against discipline specified in and punishable under this Act. Such fine shall be deducted and paid over as follows (that is to say), if the offender is discharged at any port or place in British India, and the offence, and other entries in respect thereof as aforesaid, are proved, in the case of a foreign-going ship to the satisfaction of the Shipping Master before whom the offender is discharged, and in the case of a Home-trade ship to the satisfaction of the Shipping Master at or nearest to the place at which the crew is discharged, the master or owner shall deduct such fine from the wages of the offender and pay the same over to such Shipping Master. If before the final discharge of the crew in British India, any such offender as aforesaid enters into any of Her Majesty's ships, or is discharged at any place not in British India, and the offence and such entries as aforesaid are proved to the satisfaction of the Officer in command of the ship into which he so enters, or of the Consular Officer, Officer of Customs, or other person by whose sanction he is so discharged, the fine shall thereupon be deducted as aforesaid, and an entry of such deduction shall then be made in the official log-book (if any) and signed by such Officer or other person. On the return of the ship to British India, the master or owner shall pay over such fine, in the case of foreign-going ships to the Shipping Master before whom the crew is discharged, and in the case of Home-trade ships to the Shipping Master at or nearest to the place at which the crew is discharged. If any master or owner neglects or refuses to pay over any such fine in manner aforesaid, he shall, for each such offence, incur a penalty not exceeding six times the amount of the fine retained by him: Provided that no act of misconduct for which any such fine as aforesaid has been inflicted and paid, shall be otherwise punished under the provisions of this Act.

Penalty for enticing to desert and harbouring deserters.

153. Every person who by any means whatever persuades or attempts to persuade any seaman or apprentice to neglect or refuse to join or proceed to sea in or to desert from his ship, or otherwise to absent himself from his duty, shall, for each such offence, in respect of each such seaman or apprentice, incur a penalty not exceeding one hundred Rupees. Every person who wilfully harbours or secretes any seaman or apprentice who has deserted from his ship or who has wilfully neglected or refused to join or has deserted from his ship, knowing or having reason to believe such sea-

man or apprentice to have so done, shall, for every such seaman or apprentice so harboured or secreted, incur a penalty not exceeding one hundred Rupees.

Penalty for obtaining passage surreptitiously.

154. Any person who secretes himself and goes to sea in any ship without the consent of either the owner, consignee, or master, or of a mate, or of any person in charge of such ship, or of any other person entitled to give such consent, shall incur a penalty not exceeding two hundred Rupees, or be liable to imprisonment, with or without hard labour, for any period not exceeding four weeks.

On change of masters, documents hereby required to be handed over to successor.

155. If during the progress of a voyage the master of any ship registered at any port or place in British India, is superseded, or for any other reason quits the ship and is succeeded in the command by some other person, he shall deliver to his successor the various documents relating to the navigation of the ship and to the crew thereof which are in his custody; and shall in default incur a penalty not exceeding one thousand Rupees. Such successor shall, immediately on assuming the command of the ship, enter in the official log a list of the documents so delivered to him.

PART XIV.—OF PASSENGERS BY SEA.

Chapter 1—Of Native Passengers between India and the Red Sea or Persian Gulf.

What shall be deemed a "Native Passenger Ship" within the meaning of Sections 156 to 174.

156. Every vessel carrying more than thirty passengers being Natives of Asia or Africa, which may depart or proceed on any voyage from a port or place within British India to any port or place in the Red Sea or Persian Gulf, or which may arrive at any port or place within British India from any port or place in the Red Sea or Persian Gulf, having on board more than thirty such passengers, shall be deemed a Native Passenger Ship within the meaning of this Chapter.

Native Passenger Ship to sail only from ports appointed by Local Government.

157. No Native Passenger Ship shall depart or proceed upon any voyage to which this Chapter extends from any port or place within British India other than such ports and places as the Local Government may from time to time appoint; and after any Native Passenger Ship has departed or proceeded upon any such voyage from a port or place so to be appointed, no person whatsoever shall be received on board as a passenger, except at some other duly appointed port or place.

Not to sail without obtaining a certificate.

158. No Native Passenger Ship shall depart or proceed upon any such voyage from any port or place appointed under this Chapter until the master shall have obtained a certificate from an Officer authorized to grant the same.

Penalty for breach of provisions in Sections 157, 158.

159. If any Native Passenger Ship departs or proceeds upon a voyage from any port or place within British India, or if any person is received as a passenger on board a Native Passenger Ship in contravention of the provisions of the last two preceding sections, the owner or master shall be liable to a penalty not exceeding one hundred Rupees for every passenger conveyed on a ship unlawfully departing or proceeding on such voyage, or for every passenger unlawfully received on board; and the ship, if found within two years in any place within British India, may be seized and detained by any Chief Officer of Customs until the penalties incurred under this Chapter have been adjudicated, and the payment thereof, with all costs, have been enforced under the provisions of Section 201.

Appointment of Officers.

160. The Local Government shall appoint such persons as it may deem proper to exercise and perform the powers and duties conferred and imposed by this Chapter.

Master to give notice of day of sailing, &c.

161. The master of any Native Passenger Ship sailing from any port or place appointed under Section 157, shall give notice to the proper Officer that the ship is to carry Native passengers, and of her destination, and of the proposed day of sailing. Such notice shall be given not less than three days before the proposed day of sailing.

Power to enter and inspect ship.

162. After receiving such notice, the Officer aforesaid, or any person authorized by him, shall be at liberty at all times to enter and inspect the ship and the fittings, provisions and stores therein. Any person impeding or refusing to allow such inspection, shall be liable, on conviction, to a penalty not exceeding five hundred Rupees for each offence.

Ship may be surveyed.

163. The Officer aforesaid may, if he think fit, cause the ship to be surveyed at the expense of the master by a competent surveyor, who shall report whether the ship is, in his opinion, sea-worthy and fit for her intended voyage.

Officer to be satisfied before giving certificate

164. The Officer aforesaid shall not give his certificate, unless he shall be satisfied—

That the ship is sea-worthy.

(1)—That the ship is sea-worthy and properly manned, equipped, fitted and ventilated; and has not on board any cargo likely, from its quality, quantity, or mode of stowage, to prejudice the health or safety of the passengers:

That the space between-decks for passengers is sufficient.

(2)—That the space appropriated to the passengers in the between-decks contains at the least nine superficial and fifty-four cubical feet of space for every adult passenger on board, that is to say, for every passenger above twelve years of age, and for every two passengers between the ages of one year and twelve years:

That the space on the upper deck is sufficient.

(3)—That a space of four superficial feet per adult is left clear on the upper deck for the use of the passengers:

That there is a due supply of provisions.

(4)—That provisions, fuel and water have been placed on board, of good quality, properly packed, and sufficient to supply the passengers on board during the declared duration of the intended voyage, according to the scale hereinafter contained.

Number of passengers.

165. No such ship shall carry any greater number of passengers than, together with the master and crew, shall amount to the proportion of two persons for every three tons of the registered or estimated tonnage of the ship.

List of passengers.

166. The master of any such ship, before departing or proceeding on any such voyage from any port or place within British India, shall sign two lists, specifying (as accurately as may be) the names of all the passengers, and stating the number of the crew; and shall deliver them to the Officer aforesaid, who shall thereupon (after having first mustered the passengers and compared the number and names of such passengers with the lists) countersign and return to the master one of such lists. The master shall note in writing on such last-mentioned list, and on any additional list to be made under Section 167, the date and supposed cause of death of any passenger who may die on the voyage, and shall forthwith, on the arrival of the ship at her destination or at any port in the said territories at which it may be proposed to land passengers, and before any passengers are landed, produce the list, with any additions thereto made, to any person lawfully exercising consular authority on behalf of Her Majesty at the port of arrival if it be a foreign port, or to the Chief Officer of Customs, or the Officer (if any) appointed under this Chapter at any port or place within British India at which it shall be intended to land the passengers or any of them. In case of non-compliance with any of the requirements of this section on the part of the master, or if any false entry be wilfully made in any such list, the master shall be liable to a penalty not exceeding five hundred Rupees for each offence.

Ship taking additional passengers and touching at intermediate port.

167. If, after the ship shall have departed or proceeded on any such voyage, any additional passengers are taken on board at a port or place within British India appointed under this Chapter for the embarkation of passengers, or if such ship shall, upon her voyage, touch or arrive at any such port, having previously received on board additional passengers at any place out of British India, the master shall obtain a fresh certificate from the Officer at such port, and lists of all such additional passengers shall be made; and all the provisions hereinbefore contained in that behalf, shall be applicable to any certificate to be granted, or any list to be made under this section.

Penalty for fraudulent alteration in ship after certificate obtained.

XXI. of 1858, Sec. 13.

168. If any master of a ship, after having obtained a certificate under Section 158 or Section 167, shall fraudulently do or suffer to be done any act or thing whereby such certificate shall become inapplicable to the altered state of the ship, its passengers, or other matters to which such certificate relates, he shall be liable to a penalty not exceeding two thousand Rupees.

Information to be transmitted to ports of embarkation.

169. The Chief Officer of Customs, or the Officer (if any) appointed under this Act, at any port or place within British India at which the ship shall touch or arrive, shall, with advertence to the requirements of this Chapter, transmit any particulars which he may deem important respecting the ship and the passengers conveyed therein, to the Officer at the port from which the ship commenced her voyage, and also to the Officer at any other port in British India where the passengers or any of them embarked.

Report of Consul, &c., to be admissible in evidence.

170. In any proceeding for the adjudication of any penalty incurred under this Chapter, any document purporting to be a report of such particulars as are referred to in the last preceding section, or a copy of the proceedings of any Court of Justice duly authenticated, and also any like document purporting to be made and signed by any person lawfully exercising Consular authority on behalf of Her Majesty in any foreign port, shall be received in evidence, if the same appears to have been officially transmitted to any Officer at or near the place where the proceeding under this Chapter is had.

Length of voyage to be fixed by proclamation.

171. It shall be lawful for the Local Government, by any proclamation to be from time to time issued for that purpose and published in the *Gazette* or in one of the public newspapers, to declare what shall be deemed, for the purposes of this Chapter, the duration of the voyage of any Native Passenger Ship from any port or place to any other port or place.

Quantity of provisions and water to be shipped.

172. Every Native Passenger Ship, at the time of departure from the port or place at which passengers shall be embarked under this Chapter shall have on board good and wholesome provisions for the use and consumption of the passengers, over and above the victualling of the crew, to the amount or in the proportion following, that is to say, a supply of water to the amount of five gallons to every week of the computed voyage for every passenger on board, such water being carried in tanks or sweet casks; and a supply of rice, flour, oatmeal, or bread-stuffs to the amount of seven pounds weight to every week of the computed voyage for every such passenger: Provided always that, when any such ship shall be destined to call at a port or place in the course of her voyage for the purpose of filling up her water-casks, a supply of water at the rate before mentioned for every week of an average voyage to such port or place of calling, shall be deemed to be a compliance with this Chapter. The provision of this section regarding food shall be deemed to have been complied with in any case where it shall appear that, by the special authority of the Local Government, any other articles of food were substituted for the articles above enumerated as being equivalent thereto.

Contract by passengers for supply of their own provisions.

173. The requirements of this Chapter respecting the supply of provisions for passengers, shall not, except as to the supply of water, be applicable to any passenger who may have contracted to furnish his own provisions.

Penalty on ships bringing excessive number of passengers from Red Sea or Persian Gulf to Indian ports.

174. If any ship bringing passengers from any port or place in the Red Sea or Persian Gulf to any port or place in British India, shall have on board a greater number of passengers or persons than in the proportion prescribed by this Chapter, the master of such ship

shall, in addition to any other penalty which he may have incurred under the provisions of this Chapter, be liable, on conviction, to a penalty not exceeding fifty Rupees for each person in excess of such proportion.

Secs. 156 to 174 not to apply to ships under contract with European States, or to mail steamers.

175. Nothing contained in Sections 156 to 174, both inclusive, shall apply to any ship under contract with the Government of any European State, or to any sea-going steam-vessel regularly employed in the conveyance of the public mails under a contract.

Chapter 2.—Of Native Passengers in the Bay of Bengal.

Number of Native passengers to be carried in unlicensed vessels.

176. No vessels shall carry Native passengers from any port or place under the Presidency of Fort St. George, or from Chittagong, or from any port in the Province of Orissa, to any port or place on the eastern coast of the Bay of Bengal, or in the Straits of Malacca, or in Ceylon; or from any port or place on the eastern coast of the Bay of Bengal, or in the Straits of Malacca, to any port or place under the Presidency of Fort St. George, or to Chittagong, or to any port in the Province of Orissa, in a proportion greater than one passenger to every four tons of the burden of such vessel, without a license.

Number of Native passengers to be carried in licensed vessels.

177. No vessels shall be licensed to carry passengers on any such voyage as is specified in Section 176, in a proportion greater than one passenger to every ton of burden, nor unless the vessel has space on a deck or platform under hatches reserved for the accommodation of the passengers in the proportion of six superficial feet for every passenger, with not less than five feet clear between the upper deck and the lower deck or platform: Except a vessel proceeding in ballast from any part of the coast of the Gulf of Manaar or Palks' Strait to any port or place in Ceylon which may be licensed to carry a number of passengers not exceeding the proportion of two and a half to every ton of her burden, provided that the whole of the space usually allotted for cargo and not occupied by ballast, be kept for the accommodation of the passengers, and for storing the provisions and water for their use, and that the space left clear for the accommodation of the passengers on the deck or decks of the vessel be not less than four superficial feet for each passenger: And except a vessel carrying Native passengers between Chittagong and any port or place on the coast of Arracan which may be licensed to carry a number of passengers not exceeding the proportion of two and a half to every ton of her burden, subject to such regulations as the Government of Bengal may prescribe.

First exception.

Second exception.

Penalty on master of unlicensed vessel.

178. The master or tindal of any vessel which shall carry Native passengers on any such voyage as is specified in Section 176, without a license, in a proportion exceeding that laid down in Section 176, shall be liable to a fine not exceeding twenty Rupees for each passenger in excess of such proportion.

Penalty on master of licensed vessel.

179. The master or tindal of any licensed vessel which shall carry on any such voyage a greater number of passengers than is specified in the license, or in which the accommodation therein required shall not be afforded, shall be liable to a fine not exceeding twenty Rupees for each passenger in excess of such number, or for each passenger who is not provided with accommodation agreeably to the license.

Government to appoint ports for shipment of passengers when the number of passengers to be carried is greater than one to every four tons of burden

180. Passengers in a greater number than one passenger to every four tons of the burden of any vessel, shall not be shipped from the territories under the Government of Fort St. George or from the Province of Orissa, for Ceylon or the eastern coast of the Bay of Bengal, or the Straits of Malacca; or from the eastern coast of the Bay of Bengal or the Straits of Malacca, for the said territories or Province, or for Chittagong, except from such ports as shall be from time to time appointed by the Local Government by an order published in the *Gazette;* and the master or tindal of any vessel who shall take on board passengers for such voyage from any other port or place in a greater proportion to the burden of the vessel than is mentioned in Section 176, shall be liable to a fine not exceeding twenty Rupees for each passenger embarked.

Grant of licenses to vessels.

181. It shall be at the discretion of the Collectors of Sea Customs for the ports appointed for shipping Native passengers, or such other persons as the Local Government may from time to time appoint for the purpose, to grant licenses to vessels under this Chapter: Provided that such licenses shall not be granted, except for vessels within the exceptions in Section 177, till the vessels have been surveyed according to such directions as shall be given from time to time by the Local Government. The license shall describe the vessel, her tonnage, and rig; the number of her boats, anchors, and cables; and what instruments for the purpose of navigation she is supplied with; also the name of the owner and of the master or tindal, and the number and composition of the crew; and shall specify the number of passengers she may carry and the space to be assigned for their accommodation.

Certain licensed passenger vessels to carry provisions according to appointed scale.

182. The master or tindal of any vessel licensed to carry passengers from any port in the territories under the Government of Fort St. George, or from Chittagong, or from any port in the Province of Orissa, to any port or place on the eastern coast of the Bay of Bengal, or the Straits of Malacca; or from any port on the eastern coast of the Bay of Bengal, to any port or place in the territories under the Government of Fort St. George, or to Chittagong, or to any port in the Province of Orissa, which shall proceed on such voyage not being furnished with provisions and water according to such scale as shall be laid down from time to time by an order of the Local Government published in the *Gazette*, shall be liable to a fine not exceeding twenty Rupees for each passenger in excess of the number fully

supplied with provisions and water according to such scale.

Penalty for omitting to supply passengers with prescribed allowance of food and water.

183. The master or tindal of any vessel licensed to carry passengers as aforesaid, who shall wilfully and without satisfactory excuse omit to supply to every passenger the prescribed allowance of food and water, shall be liable for such omission to a fine which may extend to twenty Rupees for every passenger who has suffered privation thereby.

Supply of provisions on board passenger ships plying to and from Ceylon.

184. The master or tindal of any vessel licensed to carry passengers from any port under the Government of Fort St. George to Ceylon, or between Chittagong and any port or place on the coast of Arracan, who shall proceed on any such voyage without having laid in a supply of water and provisions for the passengers according to a scale to be fixed by the Collector of Sea Customs for such port, or such other person as the Local Government may from time to time appoint for the purpose, and to be hung up at the Custom House of the port, shall be liable to a fine not exceeding one hundred Rupees.

List of passengers to be signed by master.

185. The master or tindal of any vessel licensed to carry passengers as hereinbefore provided, shall sign and deliver in duplicate to the principal Officer of Customs at the place of embarkation, or such other person as the Local Government may from time to time appoint for the purpose, a list, according to the form in the third schedule to this Act, of all passengers to be conveyed in such vessel. Such Officer, after satisfying himself of the correctness of the same, and that the number of passengers authorized is not exceeded, shall countersign and return one such list to the master or tindal, to be produced to the proper Officer at the port to which the vessel is bound. Should any additional passengers engage to proceed by such vessel after such list has been so countersigned, the master or tindal may insert their names in the original list, obtaining the signature of the controlling Officer as before. The Officer in charge of the Customs may withhold the Port-Clearance till this rule is complied with.

Additional passengers.

Penalty for bringing Native passengers into any port on the eastern coast of the Bay of Bengal from any foreign European Settlement in excess of authorized proportion.

186. If any vessel bringing Native passengers into any port or place whatsoever on the eastern coast of the Bay of Bengal, from any foreign European Settlement situate on the line of coast within the limits of the Presidency of Fort St. George, shall have on board a greater number of passengers than in the proportion prescribed in Section 176, the master or tindal of such vessel shall be liable to a penalty of twenty Rupees for each passenger in excess of such proportion, unless the vessel shall have been licensed under Section 181, and shall have complied with the stipulations as regards space, water and provisions laid down in Section 177.

Penalty for impeding entry or inspection.

187. The principal Officer in charge of the Customs at the port of embarkation or of destination, or any person authorized by him, shall be at liberty at all times to enter and inspect any passenger-vessel to which the provisions of this Chapter apply, and the fittings, provisions and stores in such vessel; and whoever impedes such entry or inspection, or refuses to allow of the same, shall be liable to a fine not exceeding fifty Rupees.

Penalty on landing passenger at a place other than that at which he has contracted to land.

188. If any Native passenger in any ship upon any voyage under Chapters 1, 2 and 4 of this Part, shall be landed at any port or place other than the port or place at which he may have contracted to land, unless with his previous consent, or unless such landing is made necessary by perils of the sea or other unavoidable accident, the master shall, for each offence, be liable to a penalty not exceeding two hundred Rupees.

Passengers' right of action preserved.

189. Nothing in Chapters 1, 2 and 4 of this Part shall take away or abridge any right of action which may accrue to any Native passenger, or to any other person, in respect of the breach or non-performance of any contract made with the master or owner of the ship or his agent.

Chapter 3.—Of forwarding certain Passengers taken off a Ship or picked up at Sea.

Secs. 191, 192, 193 applicable to passengers upon certain voyages.

190. The provisions contained in Sections 191, 192, 193 apply to the carriage of passengers upon the following voyages:—

Voyages from the ports of Calcutta, Madras and Bombay, under Act No. XIII of 1864 (*to consolidate and amend the laws relating to the emigration of Native labourers*), to the Mauritius, Jamaica, British Guiana, Trinidad, Saint Lucia, and Grenada.

Voyages from ports in British India, under Part XIV, Chapter 1, to ports in the Red Sea or Persian Gulf.

Governors or Consuls may pay expenses of passengers taken off a passenger ship.

191. If the passengers on any such voyage as is specified in Section 190, shall be taken off from the ship carrying such passengers, or should be picked up at sea from any boat, raft or otherwise, it shall be lawful, if the port or place to which they shall be conveyed, shall be in any of Her Majesty's Colonial possessions, for the Governor of such Colony, or for any person authorized by him for the purpose, or if in any foreign country for Her Majesty's Consular Officers at such port or place therein, to defray all or any part of the expenses thereby incurred:

Governors or Consuls may send on passengers, if the master of the ship fail to do so.

192. If any passenger of any such passenger ship as aforesaid shall, without any neglect or default of his own, find himself within any colonial or foreign port or place other than that at which he may have contracted to land, it shall be lawful for the Governor of such Colony, or for any person authorized by him for the purpose, or for Her Majesty's Consular Officer at such foreign port or place as the case may be, to forward such passenger to his intended destination, unless the master of such ship shall, within forty-eight hours of the arrival of such passenger, give to the Governor or Consular Officer, as the case may be, a written undertaking to forward or carry on within six weeks thereafter such passenger to his original destination, and unless such master shall accordingly forward, or carry him on within that period.

Expenses incurred under the two preceding sections, to be a Crown debt.

193. All expenses incurred under the last two preceding sections, or either of them, by or by the authority of such Governor or Consular Officer, as aforesaid, including the cost of maintaining the passengers until forwarded to their destination, and of all necessary beddings, provisions and stores, shall become a debt to Her Majesty and Her Successors from the owner, charterer, and master of such ship, and shall be recoverable from them, or from any one or more of them, at the suit and for the use of Her Majesty, in like manner as in the case of other Crown debts; and a certificate purporting to be under the hand of any such Governor or Consular Officer (as the case may be) stating the total amount of such expenses, shall in any suit or other proceeding for the recovery of such debt be received in evidence without proof of the hand-writing, or of the official character of such Governor or Consular Officer, and shall be deemed sufficient evidence of the amount of such expenses, and that the same were duly incurred: Provided, nevertheless, that in no case shall any larger sum be recovered on account of such expenses than a sum equal to twice the total amount of passage money received by the owner, charterer, or master of such passenger ship or any of them, from or on account of the whole number of passengers who may have embarked in such ship; which total amount of passage money shall be proved by the defendant if he will have the advantage of this limitation of the debt: but if any such passengers are forwarded or conveyed to their intended destination under the provisions of the last preceding section, they shall not be entitled to the return of their passage money, or to any compensation for loss of passage.

Passengers forwarded by Governor, &c., not entitled to compensation.

Chapter 4.—Of Coasting Passenger Steamers.

Certificates to be furnished to coasting steam-vessels intended to carry passengers.

194. Steam-vessels which may be intended to carry passengers on coasting voyages from or to any port or place in British India, shall, before proceeding on such voyages, be furnished with certificates to be granted in the manner hereinafter provided.

Grant and contents of such certificates.

195. Every such certificate shall be granted at the discretion of an Officer authorized to grant the same by the Local Government, and shall remain in force for the period therein specified, unless sooner revoked. The Officer so authorized shall not grant such certificate, or suffer the same to remain in force, unless he is satisfied, by inspection or survey (to be made at least twice in each year at the expense of the master or owner, and upon payment of a fee not exceeding twenty Rupees), that such steam-vessel is sea-worthy and properly equipped with boats and otherwise, and that the engines and machinery are in a fit state to enable her to proceed on her voyage. The certificate shall state the limits (if any) within which the vessel is to ply, and the number of Native passengers which the vessel is permitted to carry; such number to be subject to such conditions and variations according to the time of year, the nature of the voyage, and the cargo carried, as the case requires.

Copy of certificate to be placed in conspicuous part of steamer.

196. The owner or master of any such steam-vessel shall put up in a conspicuous part of the ship, so as to be visible to persons on board the same, a copy of the said certificate, and shall cause it to be continued in such position so long as the certificate remains in force; and in default, such owner or master shall for each offence be liable to a fine not exceeding two hundred Rupees.

Penalty for excess of number specified in certificate.

197. If any such steam-vessel has on board thereof a number of passengers which, having regard to the time of the year and other circumstances, is greater than the number allowed by the certificate, the owner or master shall be liable to a fine not exceeding twenty Rupees for every passenger over and above the number allowed by the certificate.

Penalty for proceeding without certificate.

198. If any such steam-vessel shall proceed on any such voyage without such certificate as aforesaid, the owner or master shall be liable to a fine not exceeding five hundred Rupees.

Grant of certificate to be subject to control of Government.

199. In the grant or revocation of any certificate whatsoever under Chapters 1 and 4 of this Part, the Officer granting the same shall be subject to the control of the Local Government, or of any intermediate authority which that Government may appoint.

PART XV.—*Of Procedure.*

Depositions to be received in evidence when witnesses cannot be produced.

200. Whenever, in the course of any legal proceedings instituted at any port or place in British India before any Judge or Magistrate, or before any person authorized by law or by consent of parties to receive evidence, the testimony of any witness is required in relation to the subject matter of such proceeding, any deposition that such witness may have previously made in relation to the same subject matter before any Justice or Magistrate in Her Majesty's Dominions (including all parts of British India other than those

subject to the same Local Government as the port or place where such proceedings are instituted), or any British Consular Officer elsewhere, shall, if authenticated by the signature of the Justice, Magistrate, or Consular Officer, be admissible in evidence on due proof that such witness cannot be found within the jurisdiction of the Court in which such proceedings are instituted: Provided that, if the proceeding is criminal, such deposition shall not be admissible unless it was made in the presence of the person accused, and the fact that it was so made is certified by the Justice, Magistrate, or Consular Officer. It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition; and in any criminal proceeding, such certificate as aforesaid shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified.

Proviso.

Adjudication of offences, and recovery of penalties.

201. All offences under this Act, made punishable by any penalty, may be prosecuted summarily before a Magistrate or any person exercising the powers of a Magistrate. The provisions of Act No. XIII of 1856, relating to the adjudication of fines and penalties, and the enforcing payment thereof, shall apply to penalties imposed under this Act in the towns of Calcutta, Madras and Bombay.

Wages, penalties, &c., payable by master or owner, may be levied by distress of ship.

202. In all cases where any Court or Magistrate has power to make an order directing payment to be made of any seaman's wages, penalties, or other sums of money, then if the party so directed to pay the same is the master or owner of a ship, and the same is not paid at the time and in manner prescribed in the order, the Court or Magistrate who made the order may, in addition to any other powers which such Court or Magistrate may have for the purpose of compelling payment, direct the amount remaining unpaid to be levied by distress and sale of the said ship, her tackle, furniture, and apparel.

Jurisdiction.

203. For the purpose of the adjudication of penalties under Chapters 1, 2 and 4 of Part XIV, any offence shall be deemed to have been committed within the limits of the jurisdiction of the Magistrate of the place where the offender is found.

By whom proceedings for penalties under Chapters 1, 2 and 4 of Part XIV, to be instituted.

204. The penalties to which masters and owners of ships are liable by Chapters 1, 2 and 4 of Part XIV, shall be enforced only by information laid at the instance of the Officers appointed to grant certificates under this Act, or at any port or place where there is no such Officer, by the Chief Officer of Customs.

Application of penalties.

205. Any Magistrate imposing any penalties under Chapters 1, 2 and 4 of Part XIV, may, if he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which such penalty is imposed, or in or towards payment of the expenses of the proceedings.

FIRST SCHEDULE.

Number of Act.	Title of Act.
X of 1841 ...	An Act for prescribing the rules to be observed in order that ships or vessels belonging to ports within the territories under the Government of the East India Company, or belonging to Native Princes or States or their subjects, may become entitled to the privileges of British Ships under a proclamation of the Governor General of India in Council made in pursuance of the Statute 3rd and 4th Vic., Cap. 56.
XI of 1850 ...	An Act to amend Act X of 1841.
XXI of 1858 ...	An Act for the regulation of Native Passenger Ships and of steam-vessels intended to convey passengers on coasting voyages.
I of 1859 ...	An Act for the amendment of the law relating to Merchant Seamen.
XXV of 1859 ...	An Act to prevent the overcrowding of vessels carrying Native passengers in the Bay of Bengal.
II of 1860 ...	An Act to amend the law relating to the carriage of passengers by sea.
XV of 1863 ...	An Act to amend Act I of 1859 *(for the amendment of the law relating to Merchant Seamen)*.

SECOND SCHEDULE.

TABLE A. *(See Section 50.)*

Fees to be charged for matters transacted at Shipping Offices.

1. Engagement or discharge of crews—

			Rs.	A.	P.
In Ships under	100 Tons	... ...	8	0	0
From 100 to	200 „	... ...	7	0	0
200 to	300 „	... ...	10	0	0
300 to	400 „	... ...	12	8	0
400 to	500 „	... ...	15	0	0
500 to	600 „	... ...	17	8	0
600 to	700 „	...	20	0	0
700 to	800 „	... ...	22	8	0
800 to	900 „	... ...	25	0	0
900 to	1,000 „	... ...	27	8	0
above	1,000 „	... ...	30	0	0

and so on for ships of larger tonnage, adding for every 100 tons above one thousand, two Rupees and eight annas.

2. Engagement or discharge of seamen separately, one Rupee for each seaman.

TABLE B. *(See Section 51.)*

Sums to be deducted from wages by way of partial repayment of fees in Table A.

1. In respect of engagements and discharges of crews, upon each engagement and each discharge—

	Rs.	A.	P.
From wages of any mate, purser, engineer, surgeon, carpenter, or steward	0	12	0
From wages of all others, except apprentices	0	8	0
2. In respect of engagements and discharges of seamen separately, upon each engagement and each discharge ...	0	8	0

THIRD SCHEDULE.

(See Section 185.)

FORM.

1.	2.	3.	4.	5.	6.	7.
Name of vessel.	Name of master	Tons per register.	Port of embarkation.	Numbers and names of passengers.	Ports at which passengers have contracted to be landed.	Date of departure

(Signed) _____,
Master.

(Countersigned) _____,
Principal Officer of Customs.

NOTE.—In the case of vessels carrying passengers to Ceylon, or between Chittagong and any port or place on the coast of Arracan, it will be sufficient to insert the numbers, and not the names, of passengers in column 5.

STATEMENT OF OBJECTS AND REASONS.

Certain amendments of Act No. XV of 1863, the latest Indian Act relating to merchant seamen, having been suggested by the Bengal Government, it has been thought desirable, in giving effect to these suggestions, to take the opportunity of consolidating and amending the laws respecting merchant shipping, seamen and passengers by sea, instead of adding a ninth Act to the eight in which the law on these subjects is now comprised.

One of the suggested amendments consists in a provision enabling any Court having Admiralty jurisdiction in British India and the principal Court of Ordinary Criminal Jurisdiction at every British Indian port where there is no Admiralty Court, to investigate charges of incompetency or misconduct against masters, &c., whose certificates have been granted by any Local Government. As the law stands, such investigations can only be held by a Court when the certificate has been granted by the Board of Trade.

Section 6 of Act XV of 1863 empowers the Local Government to direct investigations into such charges. But such investigations can only be ordered by the Local Government of the place where the casualty which gave rise to the charge occurred, and the Local Government has no power to cancel certificates granted by the Board of Trade. The present Bill, if it become law, will enable the Court at any port of this country at which a ship may arrive, to enquire into the circumstances of a partial wreck which has occurred anywhere on the coasts of British India, and to cancel certificates whether granted by the Board of Trade or by any Local Government.

The Bill is divided into Parts with Titles. Part I contains the usual preliminary provisions. Part II relates to the registry of ships, and embodies the enactments of Acts No. X of 1841 and No. XI of 1850. To this have been added clauses corresponding with section 8 of the Evidence Act (No. XV of 1852), which relates to the admissibility of registers and certificates of registry, but only extends to the High Courts.

Part III relates to official logs, and corresponds with sections 103—110 of Act No. I of 1859 *(for the amendment of the law relating to merchant seamen)*.

Part IV relates to enquiries as to wrecks, and corresponds with sections 100—102 of Act I of 1859. These provisions have however, at the suggestion of the Bengal Government, been extended to the case of the wrecks of foreign vessels. A section corresponding with section 19 of Statute 18 and 19 Vic., cap. 91, has been added to the effect that, in case of the wreck of a foreign vessel, the consular officer of the country to which the ship may have belonged, shall be deemed to be the owner's agent.

Part V relates to Shipping Offices, and agrees with Act I of 1859, sections 2—8.

Part VI (as to the examination and certificates of masters and mates) corresponds with sections 9 to 16 of Act I of 1859, as limited by Act XV of 1863, section 2.

Part VII of the engagement of seamen, is Act I of 1859, sections 18—35.

Part VIII relates to the wages of seamen, and corresponds with Act I of 1859, sections 36—58. A few amendments have been made in this part suggested by section 18 of Statute 25 and 26 Vic., cap. 63, and by the decisions of the English Admiralty and other Courts, on the corresponding sections of the English Merchant Shipping Act of 1854.

Part IX relates to the wages and effects of deceased seamen, and corresponds to Act I of 1859, sections 59—63, the re-enactment of which will preclude all question as to the effect of the Indian Succession Act, 1865, upon the provisions last referred to.

Part X corresponding with sections 64—71 of Act I of 1859, contains clauses relating to the provisions, health and accommodation of seamen, and here again have been introduced explanations analogous to those contained in the Penal Code, and the Indian Succession Act, 1865, and embody

certain decisions of the English Courts on the corresponding sections of the Merchant Shipping Act.

Part XI empowers seamen or apprentices to make complaints to a magistrate against the master or any of the crew, and is identical with Section 72 of Act I of 1859.

Part XII contains the provisions comprised in sections 73—78 of Act I of 1859, for the protection of seamen from imposition.

Part XIII, *of discipline*, contains with the improvements abovementioned, the provisions relating to charges against masters and mates comprised in sections 4—10 of Act XV of 1863, and also the enactments as to discipline contained in sections 79, 80, 83 to 99 of Act I of 1859.

In Part XIV are comprised the provisions contained in the three existing Acts, Nos. XXI of 1858, XXV of 1859, and II of 1860, relating to passengers by sea. The provisions as to coasting steamers made by sections 20—26 of Act XXI of 1858 are also embodied in this Part.

Part XV relates to procedure and the enforcement of penalties under the Bill, and corresponds with sections 112 and 113 of Act I of 1859, sections 30, 31 and 32 of Act XXI of 1858 and sections 16 and 17 of Act XXV of 1859.

As it is not probable that this Bill will become law before the time when the Straits Settlement will cease to form part of British India, all reference to that Settlement has been omitted.

SIMLA, *The 25th September* 1866. } H. S. MAINE.

WHITLEY STOKES,
Asstt. Secy. to the Govt. of India, Home Dept. (Legislative.)

The 26th September 1866.

The following Bill and Statement of Objects and Reasons accompanying it, are published for general information by order of His Excellency the Governor General, under the 19th of the Rules for the conduct of Business at Meetings of the Council of the Governor General of India for the purposes of making Laws and Regulations :—

A Bill to extend the Indian Succession Act, 1865, *to the Straits Settlement.*

Preamble.

Whereas it is expedient to extend with certain modifications the Indian Succession Act, 1865, to the settlement of Prince of Wales' Island, Singapore and Malacca; It is hereby enacted as follows :—

Repeal of Act XX. of 1837, Section 1.

Indian Succession Act to apply to Straits Settlement from 1st February 1867.

1. From and after the first day of February 1867, the first section of Act No. XX of 1837 shall be repealed; and the provisions of the Indian Succession Act, 1865, shall, with the modifications hereinafter mentioned, apply to and be in force throughout the said Settlement, as if the words "other than the Settlement of Prince of Wales' Island, Singapore and Malacca," had been omitted in the definition of British India contained in Section 3 of the same Act, and as if Part XXXI and Sections 330 and 331 of such Act had also been omitted.

Jurisdiction of Supreme Court in granting and revoking probates and letters of administration.

2. The Supreme Court of the said Settlement shall have jurisdiction in granting and revoking probates and letters of administration in all cases within the said Settlement, and the procedure in the exercise of such jurisdiction shall be regulated by the provisions relating to intestate and testamentary jurisdiction contained in Her Majesty's Letters Patent now applying to the said Court, and by such rules (if any) supplementary thereto, as may from time to time be made by such Court consistently with the provisions of the Indian Succession Act, 1865. The said Court is hereby empowered to make such rules, and from time to time to vary and add to the same.

Adopted sons to be deemed legitimate children of adoptive fathers.

3. The adopted son of any person in the said Settlement, whose personal law permits the adoption of a son, shall, for the purposes of Intestate and Testamentary succession, be considered as a legitimate child of his adoptive and not of his natural father.

Will not revoked by polygamist's marriage.

4. In the case of any person in the said Settlement, whose marriage-law permits a plurality of wives, his will shall not be revoked by his marriage, anything contained in the said Act to the contrary notwithstanding.

Provision for case of plurality of widows.

In the case of any such person who dies, intestate leaving two or more widows, the property which under the terms of the Indian Succession Act, 1865, Sections 26 and 27, would belong to his widow if he had left only one widow, shall belong to his widows in equal shares; and letters of administration of his estate shall, unless the Court see cause to exclude the widows either on the ground of some personal disqualification, such as minority, incontinence, adultery or lunacy, or because they have no interest in the estate of the deceased, be granted to all his widows jointly, or to such one of them as the Court shall think fit; and the Judge may associate with the widows or widow in the administration, any person or persons who would be entitled solely thereto if there were no widow.

Provisions of Succession Act not to apply in the Straits to wills or intestacies before 1st February 1867.

Section 4 of Succession Act not to apply to marriages before 1st February 1867.

5. The provisions of the Indian Succession Act, 1865, shall not, in the said Settlement, apply to any will made or any intestacy occurring before the said first day of February 1867. Nor shall the fourth section of the same Act apply, in the said Settlement, to any marriage contracted before the same day.

Two Rupees to be equivalent to one Dollar.

6. In construing the Indian Succession Act, 1865, two Rupees shall be deemed equivalent to a Dollar.

This Act to be read with Indian Succession Act.

7. This Act shall be read with and taken as part of the Indian Succession Act, 1865.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to extend the Indian Succession Act, 1865, to the Straits Settlement. It was prepared at the suggestion of the Local Government, who, in reply to the Circular dated the 22nd August 1865, and printed in the *Gazette* of the 18th November 1865, expressed an opinion that the whole Act might with advantage be made the *lex loci* and brought into operation without any distinction as to race or creed. It may be remarked that, since the first of February 1839, the Indian Wills Act (No. XXV of 1838) has applied to all classes of the inhabitants of the Settlement—Malays, Hindús, Chinese, as well as English—and has, according to the Local Government, been found to work well.

As the Succession Act, if thus extended, will affect certain classes whose law of persons allows adoption, the Bill declares that, for the purposes of succession, an adopted son shall be considered a legitimate child of his adoptive father. In the case of any person whose marriage-law permits a plurality of wives, his marriage is not to revoke his will. Provision has also been made for the case of a polygamist dying intestate and leaving several widows.

As the Code of Civil Procedure is not in force in the Straits, and as there are no District Judges in that Settlement, it has been necessary to omit Part XXXI of the Succession Act.

The non-existence of the office of Administrator General in the Straits has rendered it necessary to omit Section 330 of the Act.

Act XX of 1837, Section 1, which the present Bill proposes to repeal, enacts that immoveable property in the Straits Settlement shall, for the purposes of intestate and testamentary succession, be regarded as of the nature of chattels real and not of freehold.

SIMLA,
The 10th July 1866.

H. S. MAINE.

WHITLEY STOKES,
Asstt. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 12th October 1866, and is hereby promulgated for general information :—

ACT No. XXVI. OF 1866.

To legalize the rules made by the Chief Commissioner of Oudh for the better determination of certain claims of subordinate proprietors in that Province.

Preamble.

WHEREAS rules have been made by the Chief Commissioner of Oudh for the better determination of certain claims by persons possessed of subordinate rights of property in the territories subject to his administration; and whereas it is expedient that such rules should have the force of law; It is hereby enacted as follows :—

Rules as to sub-settlements contained in the schedule to have the force of law.

1. The rules for determining the conditions under which persons possessed of subordinate rights of property in Talookas in the territories subject to the administration of the Chief Commissioner of Oudh shall be entitled to obtain a sub-settlement of lands, villages, or sub-divisions thereof, which they held under Talookdars on or before the thirteenth day of February 1856, and for determining the amounts payable to the Talookdar by such subordinate proprietors, which rules were made by the said Chief Commissioner, sanctioned by the Governor General of India in Council, and published in the *Gazette of India* for September 1st, 1866, and which are re-published in the schedule to this Act, are hereby declared to have the force of law.

Repeal of inconsistent rules.

2. So much of any Act, Regulation or Rule, having the force of law which is in operation in the said territories as shall be inconsistent with or repugnant to the rules hereby legalized, shall cease to have effect in such territories.

Short title.

3. This Act may be called "the Oudh Sub-settlement Act, 1866."

SCHEDULE.

Rules regarding sub-settlements and other subordinate rights of property in Oudh.

1. The extension of the term of limitation for the hearing of claims to under-proprietary rights in land, makes of itself no alteration in the principles hitherto observed in the recognition of a right to sub-settlement.

2. When no rights are proved to have been exercised or enjoyed by an under-proprietor during the period of limitation, beyond the possession of certain lands as *seer* or *nankar*, no sub-settlement can be made; but the claimant will be entitled, in accordance with the rules contained in the Circular Orders which have hitherto been in force in Oudh upon this subject, to the recognition of a proprietary right in such land. To entitle a claimant to obtain a sub-settlement, he must show that he possesses an under-proprietary right in the lands of which the sub-settlement is claimed, and that such right has been kept alive, over the whole area claimed within the period of limitation. He must also show that he, either by himself or by some other person or persons from whom he has inherited, has, by virtue of his under-proprietary right, and not merely through privilege granted on account of service, or by favour of the Talookdar held such lands under contract (*pucka*), with some degree of continuousness, since the village came into the talooka.

3. The words "some degree of continuousness" will be interpreted as follows :—

If the village was included in the talooka before the 13th February 1836, the lease must have been held for not less than twelve years between that date and the annexation of the province. If the village was included in the talooka after the 13th February 1836, but before the 13th February 1844,

the lease must have been held for not less than one year more than half the period between the time in which the village was so included and the annexation of the province. Further, the lease must, in all cases, have been held for not less than seven years during the term of limitation, unless the village was included for the first time in the talooka after the 13th February 1844, in which case the lease must have been held for not less than one year more than half of the period between the time in which the village was so included and the annexation of the province: Provided, that if, for any reason, the Talookdar was, for any period, dispossessed of the village, and the under-proprietor was dispossessed from the lease during the same period, the term of such dispossession shall not be reckoned against the under-proprietor: Provided also, that nothing in this rule will apply to any village which was included for the first time in the talooka after the 13th February 1844, and in which the under-proprietor has held no lease for any period under the Talookdar.

4. If an under-proprietor, who is entitled to a sub-settlement, can show by documentary evidence that he had entered into an agreement with the Talookdar that he should hold, in perpetuity, the lease of the lands to the sub-settlement of which he is entitled, at a uniform *(istimraree)* rate of payment, and that such agreement has been acted on within the period of limitation, he will not be liable to payment at an increased rate during the currency of the present or revised settlement. If, in consequence of any future re-adjustment of the Government demand, the former proportion between the respective shares of the profits derived from the land by the under-proprietor and the Talookdar should be altered, the amount payable by the under-proprietor to the Talookdar will be liable to re-adjustment, so that the proportion between their respective shares of the profits may remain unaltered.

5. If an under-proprietor, entitled to sub-settlement, can show by documentary evidence that he had entered into an agreement with the Talookdar that he should hold the lease of the lands to the sub-settlement of which he is entitled, on payment of the Government demand imposed before the annexation of the province on such lands, with the addition only of certain dues to the Talookdar or other charges, and such agreement has been acted upon within the period of limitation, such under-proprietor will in future be liable only for the payment to the Talookdar of the Government demand for the time being, with the addition of 10 per cent. in lieu of Talookdaree dues and other charges.

6. If an under-proprietor, entitled to sub-settlement, has held the lease of the lands to the sub-settlement of which he is entitled, under an agreement that he shall pay to the Talookdar a certain share or proportion of the profits or produce of such lands, and such agreement has been acted upon within the term of limitation, the under-proprietor will in future continue to be liable for the payment to the Talookdar of such share or proportion.

7. In all cases in which an under-proprietor is entitled to a sub-settlement other than those described in Rules 4 to 6, the amount payable by the under-proprietor to the Talookdar will be determined according to the following principles:—

1*st.*—The payments made by the under-proprietor to the Talookdar before annexation, will form the standard by which the present payments are to be regulated.

2*nd.*—In no case can the amount payable by the under-proprietor to the Talookdar, during the currency of the settlement, exceed the gross rental of the village, less 10 per cent. in *seer* or *naukar* land.

3*rd.*—In no case can the amount payable during the currency of the settlement by the under-proprietor to the Talookdar, be less than the amount of the revised Government demand, with the addition of 10 per cent.

4*th.*—If the gross rental of the village before annexation and at the present time be approximately the same, the under-proprietor will pay to the Talookdar the same amount which he paid before annexation.

5*th.*—If the present gross rental of the village exceed or fall short of the former gross rental, the payment of the under-proprietor to the Talookdar will be adjusted according to the following rule, *viz.*, as the former gross rental is to the former payment of the under-proprietor, so is the present gross rental to the present payment of the under-proprietor.

6*th.*—In determining the amount payable by the under-proprietor to the Talookdar, under the two last preceding rules, the former gross rental and the former payment of the under-proprietor will be held to be the average amount of the gross rental, and the average amount of the former payments of the under-proprietor for the 12 years preceding annexation, or for such portion of that time as the under-proprietor held a lease of the village from the Talookdar, or for such portion of that time as the necessary information may be obtained.

8. In any case in which the clear share of the profit to which the under-proprietor is entitled under the rules contained in the last preceding paragraph does not exceed 12 per cent. of the gross rental, no sub-settlement shall be made. In this case, the under-proprietor will retain all *seer* and *naukar* land to which his right is established. If the profits derived from such land be less than one-tenth of the whole rental of the land to the sub-settlement of which the right was established, the Talookdar shall increase the amount of such land so that the total profit to the under-proprietor shall not fall below one-tenth of the gross rental. The under-proprietor will possess, in the whole of such land, a transferable and heritable right of property.

9. In any case in which an under-proprietor is entitled to a sub-settlement under the preceding rules, and in which the share of the gross rental which such under-proprietor is entitled to receive exceeds 12 per cent., but falls short of 25 per cent., such share will be increased so that it shall not be less than 25 per cent. of the gross rental. The cost of such increase will be borne half by the Government and half by the Talookdar. In this case, the cesses on account of roads, schools, &c., amounting to 2½ per cent. on the Government demand, will be payable by the Talookdar, while the village expenses, including the allowances to

the Putwaree and Chowkeedar, will be payable by the under-proprietor.

10. When a former proprietor, who is not entitled to a sub-settlement, has retained within the period of limitation, either by himself or by some other person or persons from whom he has inherited, possession of land which by virtue of his proprietary right he held as *seer* or *nankar* when he was in proprietary possession, he will be deemed in respect of such land to be an under-proprietor, and will possess a heritable and transferable right of property therein, subject to the payment of such amount as may be due by him to the superior proprietor.

11. If, in any case, the founder of a *Poorwa* or hamlet, who is unable to establish a right to sub-settlement, can show that, in consideration of having founded such *Poorwa* or hamlet, he has held therein, within the period of limitation, possession of *seer* or *nankar* land, he will be recognised as an under-proprietor in such land, subject to the payment of such amount as may be due by him to the Talookdar. The amount of such payment will be determined according to the rules for determining the amount of the payments due by other under-proprietors on their *seer* or *nankar* lands.

12. Claims to proprietary and under-proprietary rights in jagheers will be treated according to the same rules which are applicable to similar claims in Talookas.

13. Cases in which claims to under-proprietary rights have been disposed of otherwise than in accordance with these rules will be open to revision, but this rule will not apply to cases disposed of by arbitration or by agreement of the parties.

SIMLA, *The 20th August* 1866. } J. STRACHEY, *Chief Commr. of Oudh.*

WHITLEY STOKES,
Asstt. Secy. to the Govt. of India, Home Dept. (Legislative).

HOME DEPARTMENT.

No. 5480.

Simla, the 16th October 1866.

Notifications.—Mr. Robert Taylor, of the Civil Service, is permitted to proceed to Europe on furlough for a period of two years from the date of embarkation.

No. 5491.

The Reverend T. L. J. Warneford, appointed a Junior Chaplain on the Bengal Establishment, reported his arrival at the Presidency on the 18th August last.

Mr. Warneford is appointed Chaplain at Port Blair.

No. 5498.

Major H. T. Bartlett, Cantonment Magistrate of Saugor, has obtained privilege leave of absence for two months from the 1st November 1866, or from such date as he may avail himself of the same.

No. 5500.

Lieutenant T. Lowndes received charge of the Office of Superintendent of Police at Port Blair from Lieutenant Q. S. A. Jamieson, Assistant Superintendent of Police, on the afternoon of the 6th September 1866.

No. 5546.

The 17th October 1866.

Lieutenant J. A. Temple, Assistant Commissioner of the Saugor District in the Central Provinces, is appointed to officiate as Cantonment Magistrate of Saugor, during the absence on leave of Major H. T. Bartlett.

No. 5548.

Mr. G. R. Elsmie assumed charge of his duties as Officiating Under-Secretary to the Government of India in the Home Department, on the forenoon of the 15th instant.

No. 5588.

The 19th October 1866.

Lieutenant H. Martin, Officiating District Superintendent of Police, Nursingpore in the Central Provinces, has obtained fifteen days' privilege leave of absence in extension of the leave granted him in orders of the 13th September last, No. 4521.

No. 5590.

Doctor L. D. Spencer, Civil Assistant Surgeon of Nimar, is invested with the powers of a Magistrate, to be exercised within the precincts of the Jail at Khundwah.

E. C. BAYLEY,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

No. 175.

MILITARY.

Simla, the 16th October 1866.

Leave.—Privilege leave for three months is granted to Major G. F. Hayward, Officiating 2nd in Command of the Meywar Bheel Corps.

No. 374.

REVENUE.

The 17th October 1866.

Appointment.—Moonshee Nyaz Ahmed is appointed to officiate as an Extra Assistant Commissioner in the Settlement Department in Oudh, as a temporary arrangement.

No. 1059.

POLITICAL.

The 17th October 1866.

Notification.—His Excellency the Viceroy and Governor General in Council is pleased to confer the title of "Rajah Bahadoor" on Koonwur Anund Nath Roy of Nattore, C. S. I.

No. 1061.

Erratum.—In Notification No. 847, dated 17th August, page 1069, for "Shivegyeen," read "Shwègyeen."

No. 1584.

GENERAL.

The 16th October 1866.

Notification.—Mr. Edward Richardson, Extra Assistant Commissioner, British Burmah, obtained privilege leave from the 2nd to the 20th August last.

No. 1586.

Leave.—Privilege leave for one month is granted to Moung Byan, Extra Assistant Commissioner in British Burmah.

No. 1588.

Promotion.—The following promotions in the British Burmah Commission, consequent on the retirement of Mr. J. Savage, are sanctioned by the Governor General in Council:—

Moung Kyan Doon, to be Extra Assistant Commissioner, 1st Class, 1st Grade.

Moung Shwé Bo, to be Extra Assistant Commissioner, 1st Class, 2nd Grade.

W. MUIR,
Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 2823.

Simla, the 16th October 1866.

READ Financial Despatch from the Right Hon'ble the Secretary of State for India, No. 185, dated the 16th August 1866, regarding the salaries of Officers in the Assay Department in the three Presidencies.

RESOLUTION.—The appointments in the Assay Department of the Indian Mints have hitherto been ordinarily confined to Officers of the medical profession, but a modification of this practice having, on the recommendation of this Government, been sanctioned by the Secretary of State, the Governor General in Council is prepared to declare that any candidate who can produce the necessary certificate from the Secretary of State of his qualifications as an Assayer, and who may be otherwise duly qualified, will be eligible for employment in the Assay Department.

2. The appointments and salaries in the Assay Department are as follow:—

	Salaries.
Assay Masters, Calcutta and Bombay, each Rs. 1,500, rising by increases of Rs. 100 per mensem every other year, to	Rs. 1,800 0 0
Assay Master, Madras	„ 1,500 0 0
Deputy Assay Masters, Calcutta and Bombay, each	„ 750 0 0
Deputy Assay Master, Madras ...	„ 606 10 0

Officers who may now enter the Department will be posted to the lowest appointment in the list, and will be held eligible for transfer or promotion to the Assay Offices of the three Presidency towns.

ORDER.—Ordered that the foregoing Resolution be published in the *Gazette of India* for general information.

No. 2879.

The 18th October 1866.

From the Comptroller General of Accounts, to the Secretary to the Government of India, Financial Department, Simla,—(No. 677, dated Calcutta, the 1st October 1866).

Monthly Statement of Accounts that have been received under the new system, up to 30th September 1866.

Accounting Offices.	For 1865-66, up to what month.	For 1866-67, up to what month.
Accountant General, Madras	April 1866.	July 1866.
Do. do. British Burmah	March 1866.	Ditto 1866.
Do. do. Punjab ...	Ditto 1866.	Ditto 1866.
Do. do. Bengal ..	April 1866.	June 1866.
Do. do. Bombay ...	March 1866.	Ditto 1866.
Deputy Accountant General, Hyderabad	Ditto 1866.	Ditto 1866.
Deputy Accountant General, Central Provinces ...	Ditto 1866.	May 1866.
Accountant General, N. W. Provinces (for Oudh) ...	Ditto 1866.	Ditto 1866.
Treasury and Departmental Accounts Branch (Eastern Settlements)	Ditto 1866.	Ditto 1866.
Accountant General, N. W. Provinces (for N. W. Provinces)	Ditto 1866.	Ditto 1866.
Public Works Department ...	Ditto 1866.	Ditto 1866.
Treasury and Departmental Accounts Branch (India) ...	Ditto 1866.	Ditto 1866.
Treasury and Departmental Accounts Branch (Postal Department)	Ditto 1866.	
Military Department	Ditto 1866.	
Treasury and Departmental Accounts Branch (Telegraph Department)	Ditto 1866.	

Forwarded for information to the Financial Department; to the Accountants General and the Deputy Accountants General in independent charge, Civil Department; the Controller General of Military Expenditure; and the Accountant General, Public Works Department.

Ordered that the above be published in the *Gazette of India.*

E. H. LUSHINGTON,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 15th October 1866.

No. 862 *of* 1866.—Captain (Brevet Major) T W. Holland, of the late 38th Regiment, Native Infantry, 1st Class Sub-Assistant Commissary General, is permitted, at his own request, to resign his appointment in the Army Commissariat Department, and his services are accordingly placed at the disposal of His Excellency the Commander-in-Chief, from the expiration of the leave granted to him in G. G. O. No. 498, dated 5th June 1866.

The 16th October 1866.

No. 863 *of* 1866.—Lieutenant G. MacCall, of the General List, Infantry, 2nd Wing Subaltern, 8th Bengal Cavalry, is allowed general leave of absence from the 9th June to the 19th July 1866, in extension of privilege leave.

No. 864 *of* 1866.—Lieutenant R. W. Sartorius, of the late 72nd Regiment, Native Infantry, Officiating 1st Wing Subaltern, 14th Bengal Cavalry (Lancers), is allowed leave of absence from the 15th August to the 15th October 1866, in extension of privilege leave to remain in the Neilgherry Hills on private affairs.

No. 865 *of* 1866.—The undermentioned students of the Agra Medical College having passed the prescribed examination, are admitted into the service as Native Doctors with effect from the 1st October 1866, and placed at the disposal of the Officiating Principal Inspector General, Medical Department :—

Paul Bernard.	Azeem-ood-deen.
Ameer Allii.	Imdad Hoossein.
Mohmed Kurm Hoossein.	Ausgur Allii.
Futteh Mohmed.	Hafeez-ool-lah.
Bhola Nauth.	Willayut Allii.
Kalee Churn.	Kharat Allii.
Wuzeah-ood-deen.	Ruheem Bux.

No. 866 *of* 1866.—The services of Lieutenant A. C. B. Wither, of the General List, Infantry, are placed at the disposal of the Public Works Department.

No. 867 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following appointment :—

Judge Advocate General's Department.

Lieutenant-Colonel A. K. Moffat, of Infantry, Officiating Deputy Judge Advocate General, Oudh Division, to be Deputy Judge Advocate General, to complete the Establishment.

No. 868 *of* 1866.—The undermentioned Officer is appointed a Brigade Major to complete the Establishment, and in succession to Major H. Lane, who vacates on the completion of his period of staff service :—

To be Brigade Major.

Captain A. B. Morgan, of Her Majesty's 19th Foot, Officiating Brigade Major, Morar.

No. 869 *of* 1866.—His Excellency the Governor General of India in Council is pleased to direct the adoption of the following rules for the supply of Remounts to the Army, in partial modification of existing regulations :—

1. Standing special Committees will be formed under the orders of His Excellency the Commander-in-Chief in the Divisions of the Army in or near which Stud or Remount Depôts for the supply of horses are located.

2. These Committees will each be composed of three Officers,—one selected from the Royal Artillery and representing the interests of the Horse and Field Artillery; one from the British Cavalry Regiments, who will represent both medium Cavalry and Hussars; and the third from any branch of the service who may be known to be a good judge of horses and to possess local experience. The senior Officer to be President.

3. These Officers will, as far as practicable, be selected from corps or appointments in the neighbourhood of the Stud or Depôt, and on the removal or departure of a member, a fresh selection will be made in his place.

4. When the Committee is assembled to select Remounts, an Inspecting Veterinary Surgeon, when possible, will be in attendance to afford any advice or opinion required. If an Inspecting Veterinary Surgeon is not available, a selected Veterinary Surgeon will be nominated to the duty. The Veterinary Surgeon of the Stud or Depôt may also be present, but only on the part of the Stud or Remount Officer.

5. The Committee after selecting the requisite number of horses classified under the existing regulations as suitable for chargers, Horse Artillery, Field Batteries, medium Cavalry, and Hussars, will at once allot them to the several corps, according to the statement of requirements furnished to the President.

6. The despatch of horses after allotment will be effected by the agency, and on the responsibility of the Stud or Remount Officer.

7. To aid in these duties, the following establishment is sanctioned to be stationed and employed as the Superintendent of Studs may direct :—

2 Overseers	@ Rupees	60	each	per mensem.
2 Darogahs	„ „	20	„	„
2 Nalbunds	„ „	12	„	„

8. When the horses have been made over to their respective corps, the gear used during the march will be transferred to the Commissariat Department for disposal by auction, or returned to the Stud for future use as may be found most expedient.

9. When annual casting Committees are ordered to assemble to cast horses, on completion of that duty they will inspect the horses considered likely to be cast in the following year, and will submit a separate report in duplicate, stating the probable number likely to be required for the Regiment or Battery, allowing for the probable number of casualties. This information, which should be carefully prepared, is required to admit of timely arrangements being made to meet the probable demand of each ensuing year.

10. Any horse, to the casting of which a Veterinary Surgeon attending the Committee may object, is to be retained for further probation.

11. No horse is to be cast on the plea of unsoundness, or on any other ground, except contagious disease, so long as he is able to perform his work efficiently.

12. When Remounts unconnected with the Stud are purchased into the service, the selection should generally take place on the responsibility of the Commanding Officer and Veterinary Surgeon of the corps concerned, as occurs in England. In

the case of the Artillery, such purchases should be effected by Artillery Officers and Veterinary Surgeons specially chosen.

13. All existing orders on the subject of Remounts and for the guidance of the Committees for the admission or casting of horses, which are not cancelled or modified by this order, will continue in force.

The 17th October 1866.

No. 870 *of* 1866.—The undermentioned men, declared unfit for further service in consequence of injuries received in the execution of their duty, are admitted to invalid pensions as noted opposite their names :—

Rank and Names.	Amount monthly.	Circle of payment.
3rd Cavalry, Hyderabad Contingent.		
Trooper Sheik Manoolla .	3 8 0	Meerut.
Trooper Sahib Khan	3 8 0	From the 3rd Cavalry, Hyderabad Contingent.

No. 871 *of* 1866.—Major H. Mills, Sub-Assistant Commissary General, 1st Class, having reported his return from sick leave to Europe on the 25th September 1866, is appointed to officiate as Deputy Assistant Commissary General, 2nd Class, from that date—the junior Officers acting in the higher grades reverting to their proper places.

No. 872 *of* 1866.—The undermentioned Officers having completed twenty-six years' service, eight years of which were on permanent staff employ, to be Lieutenant-Colonels, from the date specified, under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval :—

Bengal Staff Corps :

Major (Brevet Colonel) John Luther Vaughan, C. B. ...	12th October 1866.
Major (Brevet Colonel) Donald Martin Stewart	

No. 873 *of* 1866.—The undermentioned Officer is admitted to the Bengal Staff Corps, with effect from the date specified, subject to the confirmation of the Right Hon'ble the Secretary of State for India :—

Ensign Robert Charles Nicholetts, of Her Majesty's 38th Foot, Officiating 2nd Wing Subaltern, 12th Bengal Cavalry	10th July 1866.

No. 874 *of* 1866.—Ensign R. C. Nicholetts, of Her Majesty's 38th Foot, Officiating 2nd Wing Subaltern, 12th Bengal Cavalry, admitted to the Bengal Staff Corps in G. G. O. No. 873 of this date, will rank as Lieutenant in that Corps under the operation of paragraph 84 of G. G. O. No. 332 of 1861, with effect from the 10th July 1866, subject to Her Majesty's approval.

No. 875 *of* 1866.—In modification of General Orders by the President in Council, No. 308 of 1855, and No. 246 of 1860, His Excellency the Governor General in Council directs that, as regards trained Army School Masters under the new Regulations of 1863, their pay will be regulated by the Royal Warrant of 3rd February 1866, which grants to—

Trained School Masters on appointment, three shillings daily, increasing by six pence a day for every two years' service as School Master, until it shall reach a maximum of six shillings and six pence per diem.

Such periodical increase to be granted only on the recommendation of the Council of Military Education.

Each year's service as Assistant or 4th Class School Master, under former Regulations, to reckon as six months towards the increase of pay.

Under these rules the pay of trained School Masters—five pence per diem being deducted for rations—will, according to their standing, be passed at the following monthly rates, for any month, exclusive of staff pay :—

At the exchange of two shillings and a half penny per Rupee.

	Rs.	A.	P
Trained School Masters on appointment	38	8	3
After 2 years' service	45	15	5
„ 4 „	53	6	9
„ 6 „	60	14	0
„ 8 „	68	5	3
„ 10 „	75	12	6
„ 12 „	83	3	10
„ 14 „	90	11	1

The periodical increase will not be allowed until sanction is notified from the Home authorities, but will then be granted with retrospective effect from the date of completion of the required service.

School Masters appointed prior to 25th May 1863, who may have elected to remain under the old Regulations in existence prior to that date, will continue to receive the scale of pay laid down in General Order by the President in Council, No. 246 of 6th March 1860.

The 18th October 1866.

No. 876 *of* 1866.—With reference to the Notification issued by the Government of Bengal, dated 9th October 1866, the G. G. O. No. 800, dated 25th September 1866, placing the services of Surgeon J. Elliot, M. D., Officiating Garrison Surgeon, Agra, at the disposal of the Government of Bengal, is cancelled at his own request.

No. 877 *of* 1866.—The undermentioned Officer is admitted to the Bengal Staff Corps, with effect from the date specified, subject to the confirmation of the Right Hon'ble the Secretary of State for India :—

Captain Thomas Herbert Lewin, of Her Majesty's 104th Foot, District Superintendent of Police, 4th Grade, Chittagong, Officiating Superintendent, Hill Tracts of Chittagong	25th February 1866.

The 19th October 1866.

No. 878 *of* 1866.—The following promotions are made in the undermentioned Corps of the Native Army :—

Corps.	Rank and Names.	To what rank promoted.	From what date.	In whose room.
17th Bengal Cavalry ...	*Ressaidar :*			
	Goolistan Khan	Ressaldar	2nd June 1865	Ressaldar E Moore, and Naib Ressaldar Khurruck Singh, deceased.
4th Goorkha Regiment	*Jemadar :*			
	Bhowan Sing Kunial	Subadar..	5th June 1866	Jugbeer Singh and Bulbudder Rana, invalided.
	Havildars :			
	Chamoo Raot	Jemadar..	1st May 1866	Kubbeeraj Sarkie, invalided.
	Boodia Thappa	Ditto ..	5th June 1866	Bhowan Sing Kunial, promoted.

No. 879 *of* 1866.—The following promotions are made :—

Army Commissariat Department.

Major W. C. R. Mylne, Deputy Assistant Commissary General, 2nd Class, to be Deputy Assistant Commissary General, 1st Class	From 24th September 1866, *vice* Major C. S. W. Ogilvie, Deputy Assistant Commissary General, 1st Class, deceased.
Captain S. Chalmers, Sub-Assistant Commissary General, 1st Class, to be Deputy Assistant Commissary General, 2nd Class	
Captain W. D. Hogg, Officiating Sub-Assistant Commissary General, 1st Class, to be Sub-Assistant Commissary General, 1st Class	

No. 880 *of* 1866.—Sergeant John Robertson, of the Unattached List, attached to the Office of the Quarter Master General, is promoted to the rank of Sub-Conductor.

H. K. BURNE, *Lieut.-Col.,*
Offg. Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

No. 260.

ESTABLISHMENT.

Simla, the 13th October 1866.

Notifications.—Nissar Ally, Overseer, 2nd Grade, Central Provinces, is granted furlough for one year from 1st October 1866.

No. 261.

The 16th October 1866.

The undermentioned passed Military students of the Thomason Civil Engineering College are brought on the strength of the Upper Subordinate Establishment of the Public Works Department as Overseers of the 1st Grade, on probation, and posted as follows :—

To Bengal :

Private J. Nelson, 1-20th Regiment.
" J. Allen, 5th Lancers.
" J. Willing, 21st Hussars.

To the North-Western Provinces :

2nd Corporal A. Hackett, Sappers and Miners.
Bombardier T. Greening, Royal Artillery.
Sapper W. Sinclair, Royal Engineer.
Sergeant S. Peart, Unattached List.
Private F. Wrenn, 2-12th Regiment.

To Punjab :

Private S. Fullwood, 38th Regiment.
Gunner P. Hogan, Royal Artillery.
Sergeant L. H. James, Royal Artillery.
Gunner G. Funnell, Royal Artillery.

To Central Provinces :

Driver J. Chapman, Royal Horse Artillery.
Private J. Chad, 2-12th Regiment.
" R. Brady, 2-12th Regiment.
" W. O'Reilly, 2-12th Regiment.
" T. English, 19th Hussars.

To Oudh :

Private H. Clifton, 2-12th Regiment.
Quarter Master Sergeant W. Phillips, Royal Artillery.

To Burmah:

Private J. Kennedy, Sappers and Miners.
Corporal B. Williams, Royal Artillery.
Gunner W. Ferrier, Royal Artillery.
Private A. McDermott, 94th Regiment.
J. Pendell, 38th Regiment.

To Rajpootana:

Sapper W. Mulvihill, Royal Engineer.
Private J. Tighe, 98th Regiment.

The services of Private C. Cardwell, 21st Hussars, are placed at the disposal of the Lieutenant Governor, North-Western Provinces, for employment as Assistant Master in the 2nd Department of the Thomason College.

The above-named men have been placed on the Unattached List, with effect from 9th October, except Sergeant Peart, whose name is already borne on that list.

No. 262.

The six months' leave of absence on private affairs granted to Mr. G. Carpenter, Accountant, 1st Grade, Central Provinces, in Notification No. 235 of the 6th September 1866, is cancelled.

No. 263.

Mr. J. A. Minchall, Overseer, 2nd Grade, Mysore, is removed from the Public Works Department, with effect from the date he may have been relieved of his duties.

No. 264.

The 18th October 1866.

Mr. W. E. Pigott, Accountant, 4th Grade, is transferred from the North-Western Provinces to Rajpootana.

No. 265.

Mr. D'A. W. Jopp is appointed to the Public Works Department as an Assistant Engineer of the 2nd Grade, on probation, and posted to Rajpootana.

No. 266.

Captain W. H. Mackesy, Assistant Engineer, 1st Grade, was appointed to officiate as Executive Engineer of the Fyzabad Division of Public Works, Oudh, with effect from the forenoon of the 1st October 1866.

No. 267.

Mr. J. A. Willmore, Assistant Engineer, 3rd Grade, Oudh, is promoted to Assistant Engineer, 2nd Grade, with effect from the 26th September 1866.

No. 268.

Lieutenant G. G. C. Bigsby, R. E., Executive Engineer, 4th Grade, joined the Mhow Division of Public Works, Rajpootana Circle, on the 28th September 1866.

No. 269.

Mr. J. O'Flaherty, Assistant Engineer, 2nd Grade, on the Local Public Works Establishment, Bengal, is brought on the Imperial Public Works Establishment in the same Grade, and posted to Bengal.

C. H. DICKENS, *Lieut.-Col.*, R. A.,
Secy. to the Govt. of India.

ECCLESIASTICAL.

Archdeacon Pratt having returned to Calcutta on the 10th instant, the functions of the Revd. J. Cave-Browne, as Commissary in Calcutta during the absence of the Bishop and Archdeacon, ceased from that date.

CALCUTTA, *The 10th October* 1866. } JOHN H. PRATT, *Archdeacon and Commsy.*

Topographical Survey of India.

No. 92.

Mussoori, the 10th October 1866.

The following appointment is hereby made:—

Mr. W. F. Pettegrew, to be a Sub-Assistant of the 3rd Class with effect from the 12th September.

J. T. WALKER, *Lieut.-Col.*,
Offg. Surveyor General of India.

Quarterly Report for the Quarter ending 30th September 1866.

Report on the Examination of the Junior Unpassed Civil Servants, in Urdu, Hindi, Bengali, and Sanskrit, held in July 1866.

URDU.

No.	Names.	Division of Presidency.	Date of arrival at Calcutta.	Date of Initiatory Examination.	REMARKS.
1	MacDonnell ..	B. ...	3rd Nov. 1865	6th Nov. 1865	Passed on the 2nd instant. Qualified for the Public Service, having passed in Bengali on 1st February 1866.
2	Toynbee ..	B. ..	27th Nov. 1865	27th Nov. 1865	Passed in Bengali on 2nd April 1866.
3	Wilkinson	N. W. P.	5th Dec. 1865	5th Dec. 1865	Passed on the 2nd instant. Has to pass in a second language.
4	Knox ..	Ditto ...	23rd Nov. 1865	27th Nov. 1865	Passed for a certificate of high proficiency in Urdu on the 2nd instant. Qualified for the Public Service, having passed in Urdu on 2nd January, and in Hindi on 1st February 1866. Gained a donation of Rs. 800 for passing in two languages in two months. Studying for Honor in the Sanskrit language.
5	Martin ...	Ditto ...	5th Dec. 1865	5th Dec. 1865	Passed for a certificate of high proficiency in Urdu on the 2nd instant. Qualified for the Public Service, having passed in Urdu on 1st February, and in Hindi on 2nd April 1866. Gained a donation of Rs. 800 for passing in two languages in three months. Studying for Honor in the Persian language.
6	Harkness ...	Ditto ...	Ditto ...	11th Dec. 1865	Passed for a certificate of high proficiency in Urdu on the 2nd instant. Qualified for the Public Service, having passed in Hindi on 2nd April and in Urdu with "marked proficiency" on 1st May 1866. Entitled to a Medal of Merit. Gained a donation of Rs. 800 for passing in two languages in four months. Studying for Honor in the Persian language.

HINDI.

1	Robinson ...	N. W. P.	10th Nov. 1865	16th Nov. 1865	Passed for a certificate of high proficiency in Hindi on the 2nd instant. Qualified for the Public Service, having passed in Urdu on 2nd January, and in Hindi on 1st May 1866. Studying for Honor in the Urdu language.

Report on the Examination of the Junior Unpassed Civil Servants, in Urdu, Hindi, Bengali, and Sanskrit, held in July 1866,—concluded.

BENGALI.

No.	Names.	Division of Presidency.	Date of arrival at Calcutta.	Date of Initiatory Examination.	REMARKS.
1	Armstrong ...	B ...	3rd March 1866	6th March 1866	Passed in Urdu on 1st June 1866.

SANSKRIT.

1	Thaine ...	N. W. P.	11th Nov. 1865	16th Nov. 1865	Passed for a certificate of high proficiency in Hindi on 1st June 1866. Qualified for the Public Service, having passed in Hindi on 1st December 1865, and in Urdu on 1st February 1866. Gained a donation of Rs. 800 for passing in two languages in two months. Studying for Honor in Sanskrit language.

Report on the Examination of the Junior Unpassed Civil Servants, in Urdu, Persian, Hindi, Bengali, and Sanskrit, held in August 1866.

URDU.

No.	Names.	Division of Presidency.	Date of arrival at Calcutta.	Date of Initiatory Examination.	REMARKS.
1	Toynbee ...	B. ...	27th Nov. 1865	27th Nov. 1865	Passed on the 1st instant. Qualified for the Public Service, having passed in Bengali on 2nd April 1866.
2	Robinson ...	N. W. P.	10th Nov. 1865	16th Nov. 1865	Passed for a certificate of high proficiency in Hindi on 2nd July 1866. Qualified for the Public Service, having passed in Urdu on 2nd January, and in Hindi on 1st May 1866. Studying for Honor in the Urdu language.

PERSIAN.

1	Martin ...	N. W. P.	5th Dec. 1865	5th Dec. 1865	Passed for a certificate of high proficiency in Urdu on 2nd July 1866. Qualified for the Public Service, having passed in Urdu on 1st February, and in Hindi on 2nd April 1866. Gained a donation of Rs. 800 for passing in two languages in three months. Studying for Honor in the Persian language.

Report on the Examination of the Junior Unpassed Civil Servants, in Urdu, Persian, Hindi, Bengali, and Sanskrit, held in August 1866,—continued.

PERSIAN,—*concluded.*

No.	Names.	Division of Presidency.	Date of arrival at Calcutta.	Date of Initiatory Examination.	REMARKS.
2	Harkness ...	N. W. P.	5th Dec. 1865	11th Dec. 1865	Passed for a certificate of high proficiency in Urdu on 2nd July 1866. Qualified for the Public Service, having passed in Hindi on 2nd April, and in Urdu with "marked proficiency" on 1st May 1866. Entitled to a Medal of Merit. Gained a donation of Rs. 800 for passing in two languages in four months. Studying for Honor in the Persian language.

HINDI.

1	Wilkinson .	N. W. P.	5th Dec. 1865	5th Dec. 1865	Passed on the 1st instant. Qualified for the Public Service, having passed in Urdu on 2nd July 1866. Studying for Honor in the Hindi language.

BENGALI.

1	Armstrong ..	B. ...	3rd March 1866	6th March 1866	Passed on the 1st instant. Qualified for the Public Service, having passed in Urdu on 1st June 1866. Gained a donation of Rs. 800 for passing in two languages in four months.

SANSKRIT.

1	Thaine ...	N. W. P.	11th Nov. 1865	16th Nov. 1865	Passed for a certificate of high proficiency in Hindi on 1st June 1866. Qualified for the Public Service, having passed in Hindi on 1st December 1865, and in Urdu on 1st February 1866. Gained a donation of Rs. 800 for passing in two languages in two months. Studying for Honor in the Sanskrit language.
2	Knox .	Ditto ...	23rd Nov. 1865	27th Nov. 1865	Passed for a certificate of high proficiency in Urdu on 2nd July 1866. Qualified for the Public Service, having passed in Urdu on 2nd January, and in Hindi on 1st February 1866. Gained a donation of Rs. 800 for passing in two languages in two months. Studying for Honor in the Sanskrit language.

Report on the Examination of the Junior Unpassed Civil Servants, in Urdu, Persian, Hindi, Bengali, and Sanskrit, held in September 1866.

URDU.

No.	Names.	Division of Presidency.	Date of arrival at Calcutta.	Date of Initiatory Examination.	REMARKS.
1	Robinson .	N. W. P.	10th Nov. 1865	16th Nov. 1865	Passed for a certificate of high proficiency in Hindi on 2nd July 1866. Qualified for the Public Service, having passed in Urdu on 2nd January, and in Hindi on 1st May 1866. Studying for Honor in the Urdu language.

PERSIAN.

1	Martin	N. W. P.	5th Dec. 1865	5th Dec. 1865	*Absent* on medical certificate. Passed for a certificate of high proficiency in Urdu on 2nd July 1866. Qualified for the Public Service, having passed in Urdu on 1st February, and in Hindi on 2nd April 1866. Gained a donation of Rs. 800 for passing in two languages in three months. Studying for Honor in the Persian language.
2	Harkness ...	Ditto ...	Ditto ..	11th Dec. 1865	Passed for a certificate of high proficiency in Urdu on 2nd July 1866. Qualified for the Public Service, having passed in Hindi on 2nd April, and in Urdu with "marked proficiency" on 1st May 1866. Entitled to a Medal of Merit. Gained a donation of Rs. 800 for passing in two languages in four months. Studying for Honor in the Persian language.

HINDI.

1	Wilkinson ..	N. W. P.	5th Dec. 1865	5th Dec. 1865	Passed in Hindi on 1st August 1866. Qualified for the Public Service, having passed in Urdu on 2nd July 1866. Studying for Honor in the Hindi language.

BENGALI.

	None.				

Report on the Examination of the Junior Unpassed Civil Servants, in Urdu, Persian, Hindi, Bengali, and Sanskrit, held in September 1866,—concluded.

SANSKRIT.

No.	Names.	Division of Presidency.	Date of arrival at Calcutta.	Date of Initiatory Examination.	REMARKS.
1	Thaine ...	N. W. P.	11th Nov. 1865	16th Nov. 1865	Passed for a certificate of high proficiency in Hindi on 1st June 1866. Qualified for the Public Service, having passed in Hindi on 1st December 1865, and in Urdu on 1st February 1866. Gained a donation of Rs. 800 for passing in two languages in two months. Studying for Honor in the Sanskrit language.
2	Knox ...	Ditto ...	23rd Nov. 1865	27th Nov. 1865	Passed for a certificate of high proficiency in Urdu on 2nd July 1866. Qualified for the Public Service, having passed in Urdu on 2nd January, and in Hindi on 1st February 1866. Gained a donation of Rs. 800 for passing in two languages in two months. Studying for Honor in the Sanskrit language.

By Order of the Board of Examiners,

FORT WILLIAM,
The 3rd October 1866.

E. ST. GOERGE,
Offg. Secy. to the Board of Examiners.

No. 5474.

Published by Order of His Excellency the Governor General,

SIMLA,
HOME DEPARTMENT,
The 16th October 1866.

ARTHUR HOWELL,
Under-Secretary to the Govt. of India.

ADVERTISEMENTS.

NOTICE.

A pucka house known as "Crommelin Sahib ki kothe," situated in the Civil Station of Goruckpore, believed to belong to Mr. Crommelin, who is supposed to have deceased, is under the charge of this Court. Any person having a title to the same, is requested to prefer his claim within one year to the undersigned.

GORUCKPORE,
The 10th October 1866.

W. G. PROBYN,
Officiating Judge.

LOST.

The right half of Government Currency Note No. A27—20341, for Rs. 20.

Great Eastern Hotel Wine and General Purveying Co. "Limited."

The Ninth Half-yearly Ordinary General Meeting of Shareholders will take place at the Office of this Company, on Wednesday, the 31st October 1866, at 4 P. M., to submit report and declare an *ad interim* dividend.

By Order of the Directors,

DAVID CALDER,
Secretary.

LOST OR STOLEN.

Half of the following Currency Note—intimation of loss given to the Currency Office, Calcutta:—

No. A29—33404, for Rs. 500.

LOST

On the 21st September 1866, between the hours of 12 A. M. and 1 P. M., on the new road now under construction from the Trevandum Residency to the Fort, two entire Madras Currency Notes Nos. B11—45594 and B11—45595, dated respectively 20th July 1863, each for Rs. 100. Any one producing the same at the Dewan's Cutcherry will be well rewarded.

LOST OR STOLEN.

Half of the following Currency Note, during transit by Post from Berhampore to Kangra—intimation of loss given to the Currency Office, Calcutta :—

No. A9—87135, for Rs. 20.

LOST.

Halves of the following Currency Notes—intimation of loss given to the Currency Office, Calcutta :—

Nos. A11—64335 and A11—87782, for Rs. 50 each.

LOST.

First half of Note No. A9—69857 of 11th July 1861, and second half of No. A25—56825 of 14th May 1862, for Rs. 20 each. Intimation of loss given to the Currency Office, Calcutta.

LOST.

Half of the Currency Note—intimation of loss given to the Currency Office, Calcutta :—

No. A7—53205, for Rs. 10.

LOST.

Halves of the following Notes—intimation of loss given to the Currency Office, Calcutta :—

Nos. A6—63743 and A8—10262, for Rs. 10 each.

LOST OR STOLEN.

Right half of the following Currency Note—intimation of loss given to the Currency Office, Calcutta :—

No. A30—30893, for Rs. 100.

LOST.

Government Promissory Note No. 8521 of 23666 of 1842-43, for Rs. 1,000. Payment stopped at the Bank of Bengal.

MOONSHEE NIAMUTTOOLLAH,
of Butcherkhana.

INADVERTENTLY RECEIVED.

Right half of Government Nagpore Currency Note No. A26—74034, and left half of No. A26—74046, stitched, for Rs. 20 each; and of Bengal No. A9—39957, for Rs. 20, and No. A7—65794, for Rs. 10, stitched—payment stopped.

LOST.

Right half of Currency Note No. A30—66425, for Rupees 100.

LOST OR STOLEN.

Government Currency Note No. A30—88718, for Rs. 100. Payment stopped at the Currency Office.

LOST OR STOLEN.

Halves of the Currency Notes—intimation of loss given to the Currency Office, Calcutta :—

Nos. A30—86554, A30—79315, A30—82298, and A30—65925, for Rs. 100 each; and A24—11098, and A24—02392, for Rs. 50 each.

LOST.

Government Currency Note No. A29—35023, for Rs. 500. Payment stopped.

LOST.

Right half of Currency Note No. A24—12367, for Rupees 50.

LOST.

Half of the following Currency Note—intimation given to the Currency Office, Calcutta :—

No. A25—81720, for Rs. 20.

HURRISH CHUNDER SIRCAR.

LOST

Between Midnapore and Calcutta, about the end of May last, halves of two 10 Rs. Currency Notes Nos. A17—53607 and A17—53608. Payment stopped.

A. H.

LOST.

Second half of the following Currency Note—intimation of loss given to the Currency Office, Allahabad :—

No. A14—598, for Rupees 20.

ALLAHABAD,
The 13th October 1866. } F. F. DECRUZE.

LOST OR STOLEN.

Undermentioned Government Promissory Notes :—

No. 21655 of 1856-57, for Rs. 500.
" 21656 ditto ditto Rs. 500.

Total Rs. 1,000.

Renewal and payment of interest on which have been stopped at the Bank of Bengal.

Apply to—

G. F. BEHRENDS,
3, LYON'S RANGE. *Constd. Atty. for* JOHN OGLE.

WANTED

For Calcutta Government Mathematical Instrument Department, 9, Park Street, superior Artificers qualified to repair finest description of Mathematical Instruments.

LOST

In transit by Post between Luckeempore and Lucknow, right halves of the following Government Currency Notes of the Allahabad Circle, dated 16th July 1861:—

A13—80737, Rupees 100.
A13—80738 „ 100.

LUCKEEMPORE, MOHUMDEE, *The 3rd October* 1866. } H. J. SPARKS, *Offg. Dy. Commissioner.*

LOST

During the Mutiny of 1857, Government Security No. 57660 of 26219 of 1841-42, for Rs. 5,000, originally standing in the name of Hyder Ally.

Application made to Government for issue of a duplicate in my name.

WUZEER KHANUM,
Widow of HYDER ALLY,
By her Agent SEROSING.

BENGAL OFFICIAL ARMY LIST.

The Bengal Official Quarterly Army List, No. XVIII, corrected in the Office of the Adjutant General up to the 1st October, is now ready. Price Five Rupees in advance, and Eight Annas extra if sent by Post. Apply at the Office of Superintendent, Government Printing, Military Orphan Press, Calcutta.

NOTICE.

A New Edition of the Map of DISTRICT NUDDEAH, showing Village boundaries, Scale 1 Mile equal to 1 Inch, in 8 Sections, with a small Index, is now ready for issue.

Applications for the Maps *bonâ fide* on the Public Service, to be addressed to the Registrar, Surveyor General's Office, Calcutta.

For private use, on payment, the Map can be obtained from all Booksellers and the "School Book Society," Calcutta, at the following rates:—

		Rs.	A.	P.
Uncolored and Unmounted.	On *thick paper*, the Map complete in 8 Sections with Index...	8	0	0
	Or each Section separate ...	2	0	0
	On *thin paper*, the Map complete in 8 Sections with Index ...	6	0	0
	Or each Section separate ...	1	8	0

N. B.—Parties requiring the Map Colored and Mounted must pay extra for the same.

J. E. GASTRELL, *Lieut.-Col.,*
Offg. Deputy Surveyor General of India.

GOVERNMENT OF INDIA.

RE-PRINTS
OF
Records in the Public Works Department.

No. 1.

PROGRESS REPORT OF FOREST ADMINISTRATION IN THE CENTRAL PROVINCES, 1863-64. By CAPTAIN G. F. PEARSON, 33rd M. N. I., Conservator of Forests, Central Provinces, accompanied by a Memorandum thereon by DR. D. BRANDIS, Inspector General of Forests. To which is appended a Report by DR. BRANDIS on his deputation to the Central Provinces in 1863-64. *Price Re.* 1.

No. 2.

PROGRESS REPORT OF FOREST ADMINISTRATION IN BRITISH BURMAH, 1863-64. BY H. LEEDS, ESQ., Officiating Conservator of Forests, British Burmah, with a Memorandum thereon by Dr. D. BRANDIS, Inspector General of Forests. To which are appended other papers and correspondence regarding Forests, and the system of working them in these parts. *Price Re.* 1.

No. 3.

REPORT UPON THE DEODAR FORESTS OF BUSSAHIR to which are appended REGISTERS OF VALUATION FOREST SURVEYS IN BUSSAHIR AND THE DISTRICT OF JAONSAR BAWUR, WITH OTHER STATEMENTS RELATING TO THE GROWTH OF THE DEODAR TREE IN THE WESTERN HIMALAYA. Being the result of a joint examination of the Bussahir Forest BY D. BRANDIS, Ph. D., Inspector General of Forests to the Government of India, J. L. STEWART, M. D., Officiating Conservator, Punjab, and CAPTAIN E. WOOD, Officiating Conservator, Oudh. With a Map illustrating the situation of the Forests. *Price Re.* 1-8.

No. 4.

PAPERS RELATING TO RAILWAY COMMUNICATION BETWEEN BOMBAY AND THE NORTH-WESTERN PROVINCES. Extending over the years 1854-65. *Price Re.* 1-8.

(The collection of papers in this Report is not yet complete, it cannot therefore be issued at present.)

No. 5.

REPORT OF THE OPERATIONS ON LIGHTHOUSES during the season of 1864-65. By LIEUT.-COL. A. FRASER, R. E., Superintendent of Lighthouses. *Price Re.* 1-8.

No. 6.

THIRD ANNUAL REPORT ON THE MANAGEMENT AND CONSERVANCY OF THE OUDH FORESTS for the forest year ending September 30, 1864. BY CAPTAIN E. S. WOOD, Officiating Conservator, Oudh Forests. *Price Re.* 1.

No. 7.

PROGRESS REPORT OF FOREST ADMINISTRATION IN BRITISH BURMAH, 1864-65. BY H. LEEDS, ESQ., Officiating Conservator of Forests, British Burmah. *Price Re.* 1.

CALCUTTA:
OFFICE OF SUPDT. OF GOVT. PRINTING,
Military Orphan Press.
1866.

STATEMENT of Government Promissory Notes, enfaced for payment of Interest in London (under deduction of amount retransferred to India), and outstanding in the Books of the Bank of Bengal, on the 5th October 1866.

PARTICULARS.	3½ per cent. Loan of 1853-54.	4 per cent. Loan of 1824-25.	4 per cent. Loan of 1828-29.	4 per cent. Loan of 1832-33.	4 per cent. Loan of 1835-36.	4 per cent. Loan of 1842-43.	4 per cent. Loan of 1854-55.	4 per cent. Loan Transfer of 1865.	4½ per cent. Loan of 1856-57.	5 per cent. P. W. Loan of 1854-55.	5 per cent. Loan of 1856-57.	5½ per cent. Loan of 1859-60.	TOTAL AMOUNT.
Balance of 7th September 1866 ..	8,100	50,133	320	24,52,800	25,04,900	1,13,66,600	84,43,000	34,84,800	16,500	42,85,800	5,12,28,700	3,29,10,300	11,67,51,953
Add—													
Amount enfaced at Madras between 8th September and 5th October 1866	.....	.....	.....	.....	1,000	56,700	54,500	13,500	.....	73,400	2,38,700	1,92,400	6,30,200
Amount enfaced at Bombay between 8th September and 5th October 1866	.....	.....	.....	.....	42,800	1,42,200	1,57,100	7, 5,300	.....	11,500	3,63,500	4,81,900	19,54,300
Amount converted at London to 4 per cent. Transfer Loan of 1865 ...	.....	.....	.....	.....	.....	.....	.....	2,28,700	.....	.....	.....	.....	2,28,700
Amount enfaced at Calcutta between 8th September and 5th October 1866	.....	.....	.....	.....	1,11,000	85,500	80,800	18,500	.....	30,700	2,61,500	4,77,400	10,65,400
TOTAL ...	8,100	50,133	320	24,52,800	26,59,700	1,16,51,000	87,35,400	45,00,800	16,500	44,01,400	5,20,92,400	3,40,62,000	12,06,80,553
Deduct—													
Amount written off in the London Registers	.....	.....	.....	1,36,000	.....	15,000	12,000	.....	.....	10,000	15,000	2,25,500	4,13,500
Balance on 5th October 1866	8,100	50,133	320	23,16,800	26,59,700	1,16,36,000	87,23,400	45,00,800	16,500	43,91,400	5,20,77,400	3,38,36,500	12,02,17,053

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
The 11th October 1866.

GEO. DICKSON,
Secretary and Treasurer.

Statement of Silver Balance in the Mint.

Balance of Bullion under assay, or remaining to be assayed, on the morning of the 1st October 1866 ...	2,60,521
1st October 1866, tendered ...	24,450
	2,84,971
Certificates issued	1,44,431
Balance	1,40,540
2nd October 1866, tendered ...	59,287
	1,99,827
Certificates issued	36,582
Balance	1,63,245
3rd October 1866, tendered ...	4,54,057
	6,17,302
Certificates issued	34,067
Balance	5,83,235
4th October 1866, tendered ...	8,69,322
	14,52,557
Certificates issued	10,852
Balance	14,41,705
5th October 1866, tendered ...	1,71,061
	16,12,766
Certificates issued	15,243
Balance	15,97,523
6th October 1866, tendered ...	26,118
	16,23,641
Certificates issued	32,920
Balance	15,90,721
Deduct difference in value between tender and certificates	12,041
Balance of Bullion under assay, or remaining to be assayed	15,78,680
Note.—Value of silver remaining for coinage at end of week, and appertaining to the Mint Balance ...	53,87,016
Not assayed	15,78,680
	69,65,696
Deduct value of silver appertaining to the Currency Department ...	55,42,878
Total ...	14,22,818

CALCUTTA MINT, *The 9th October* 1866. } J. A. BALLARD, *Offg. Mint Master.*

Statement of Silver Balance in the Mint.

Balance of Bullion under assay, or remaining to be assayed, on the morning of the 8th October 1866 ...	15,78,680
8th October 1866, tendered ...	.....
	15,78,680
Certificates issued	.....
Balance	15,78,680
9th October 1866, tendered ...	1,30,415
	17,09,095
Certificates issued	51,288
Balance	16,57,807
10th October 1866, tendered ...	1,025
	16,58,832
Certificates issued	2,441
Balance	16,56,391
11th October 1866, tendered ...	45,494
	17,01,885
Certificates issued	2,02,605
Balance	14,99,280
12th October 1866, tendered ...	25,891
	15,25,171
Certificates issued	6,31,847
Balance	8,93,324
13th October 1866, tendered ...	.....
	8,93,324
Certificates issued	8,72,077
Balance	21,247
Add difference in value between tender and certificates	37,018
Balance of bullion under assay, or remaining to be assayed	58,265
Note.—Value of silver remaining for coinage at end of week, and appertaining to the Mint Balance ...	73,76,913
Not assayed	58,265
	74,35,178
Deduct value of silver appertaining to the Currency Department ...	73,42,878
Total ...	92,300

CALCUTTA MINT, *The 13th October* 1866. } J. A. BALLARD, *Offg. Mint Master.*

SALE OF WASTE LANDS IN THE PROVINCE OF OUDH.

Notice is hereby given that several plots of Waste Lands in the District of Gondah, as shewn in the accompanying list, will be sold by auction to the highest bidder, above the upset price of Rupees 2-8-0 per acre on the 1st December 1866, at the Office of the Deputy Commissioner of Gondah, should no objection be preferred such as to render it necessary to defer the sale, under the provisions of Act XXIII. of 1863.

The sale will be made in the manner and subject to the conditions prescribed by the Rules for the sale of Waste Lands in Oudh, and to the provisions of Act XXIII. of 1863.

Maps of the several grants can be seen at the Deputy Commissioner's Office.

A. G. GROTE,
Asstt. Commr., for Dy. Commissioner.

List of Jungle Grants available for sale in the District of Gondah in the Province of Oudh.

General No.	Pergunnah.	Name of Grant.	Number of Acres.	BOUNDARIES.
				Tehseel Turrufgunge.
1/4	Munkapoor ..	Chittownah Koto	3,104	Bounded on the north by mouzah Sujjway Nuddy; on the south by Mr. Glynn's grant; on the east by Munawur Nuddy, and on the west by Grant No. 8 (Sujjway Surokar).
2/8	Ditto ..	Sujjway Surokar	2,071	Bounded on the north by mouzah Sujjway Nuddy; on the south by Mr. Glynn's grant; on the east by grant Chittownah Koto, and on the west by mouzah Gurrurhaie and grant Tuidooah.
3/8	Ditto ...	Tuidooah ..	1,027	Bounded on the north by mouzah Khuthireah hamlet of Hurdawah and Sujjway Nuddy; on the south by grant Gurrurhaie; east by Sujjway Nuddy and grant Sujjway Surokar, and on the west by mouzahs Bugdoiriah, Purunpoor, Ditteeah, Sutteah, and RamroopBunkut, hamlets of mouzah Hurduwah.
4/10	Ditto ...	Kuttahur ..	525	Bounded on the north by mouzah Kuttahur and grant of Yakool Ally Khan; on the south by Sujjway Nuddy; east by Munawur Nuddy, and on the west by mouzah Kuttahur.
5/11	Ditto ...	Chouboypoor ..	1,582	Bounded on the north by Biswee Nuddy; on the south by mouzahs Muddenpoor, Bhyrawa, Choubeypoor, Motilika and Khoorasow; on the east by mouzahs Umgheity, Soroowah, and Khurka, and on the west by mouzah Duttowlee.
6/7	Boorapair ...	Sujjunniah ...	814	Bounded on the north by mouzahs Mulleepoor, Dowlutpoor, Saree, and Chandpoor; on the south by Sawaie Nullah, grant of Hurruttun Sing, and mouzah Rehartuppeekee; on the east by mouzah Jessunpoor, and on the west by Sewai Nullah, mouzahs Muddaipoor and Hutteahghur.
7/12	Ditto ...	Suggragurh ..	1,444	Bounded on the north by mouzahs Mahomedpoor, grant Sawukpoor and Chunderdass; on the south by mouzahs Nuthoonpoor, Phorunda, Hussunghur, and Owradhee; on the east by mouzah Sootheah, and on the west by mouzah Hislampoor.
8/14	Sadoollanugger..	Bundrabee ..	2,652	Bounded on the north by Kooany Nuddy; on the south by mouzahs Raneepoor, Achulpoor, Tendooah, Bhaupoor, Ghoorapoor, Bhirwah, and Sokeah Tahir; on the east by mouzah Peetjeah, and on the west by mouzahs Lokenbhur and Mauugarah.
9/16	Utroulah ...	Etaie	951	Bounded on the north by mouzah Oorlaiha and grant of Baboo Shew Nath Sing and Thakoor Shere Bahadoor Sing; on the south by mouzah Ailrah; on the east by grant No. 31 (Ramghur), and mouzah Ailrah, and on the west by mouzah Pukkree and Grant No. 26 (Pukkree).
10/19	Ditto ...	Ramghur ...	1,154	Bounded on the north by grants of Baboo Shew Nath Sing and Shere Bahadoor Sing; on the south by Kooany Nuddy; on the east by Kurda Nullah, and Grant No. 32, and on the west by mouzah Aylrah and Grant No. 30.

DY. COMMR.'S OFFICE,
GONDAH,
The 28th August 1866.

A. G. GROTE,
Asstt. Commr., for Dy. Commr.

Printed and Published for the Government of India by J. L. KINGHAM, *at the Government Press, Simla.*

No. 39.

SUPPLEMENT TO

The Gazette of India.

SIMLA, SATURDAY, OCTOBER 20, 1866.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees four annas if sent by Post.*

No Official Orders or Notifications, the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

Government of India.

PUBLIC WORKS DEPARTMENT.

Report by Major G. Chesney, Accountant General, Public Works Department, on the Public Works Budget Estimate for 1866-67.

THE General Imperial Budget Estimate of the Public Works Department for 1866-67 was submitted to the Government of India with my note dated 24th March 1866, and was transmitted to the Financial Department on the 26th idem, before the annual Financial Statement was delivered in the Legislative Council. I now submit, pursuant to custom, a copy of the estimate with explanatory Tables, shewing in detail the distribution of the Public Works grant of the year. The opportunity has also been taken to add some information which may be of interest, comparing the Public Works grants of the last eight years; and finally the expenditure to be incurred on Public Works during the present year has been brought into one view with the land revenue, population and area of the country.

2. Table A is a copy of the general estimate of the Public Works Department for the year 1866-67, as already furnished, and calls for no remark.

3. Table B compares the grants under the main heads of service of the current and previous year, for expenditure to be incurred directly under the agency of the Public Works Department—

(1) excluding the grants chargeable to the Bombay Land Fund;

(2) including those grants;

(3) distributing the charges for Establishment and Tools and Plant on the charges for works for which they are ultimately incurred.

It also compares the provisional distribution of the grant of the year, 561 lakhs, made last October, with the final distribution made in Budget Orders. The figures correspond very closely, and are in round numbers—

For Military Works	235¾	Lakhs of Rupees or	2⅜ Millions Sterling.
For Civil Buildings	86	"	⅞ "
For Works of Public Improvement ...	239¼	"	2⅜ "
		"	"
TOTAL	561	Lakhs.	5⅝ Millions Sterling.

The increase above the grant for 1865-66, including the grant for Rampart Removal Works, but excluding that for State outlay on guaranteed and aided Railway and Irrigation Works, is £831,564.

4. Table C shews the percentage borne by the grants assigned to the various heads of service (excluding State outlay on guaranteed Railways and Irrigation Works and on Railways not guaranteed) for 1865-66 and 1866-67 to the aggregate allotment made to each Province.

5. This Table shews that a rather larger proportion of the grant for 1866-67 has been devoted to original works than in 1865-66, the percentage being 64·95 in one case, and 63·64 in the other. The percentage for repairs has decreased from 18·96 to 17·26; the grant for Establishment has slightly increased from 16·23 to 16·42, while the assignment for tools and plant remains almost stationary at 1·37.

6. Table D compares the grants for 1866-67 for Military and Civil Works, and Table E those for works of public improvement, with the grants for 1865-66. Table F collects the figures in the two foregoing Tables.

7. Tables G and H show the distribution of the grant for Establishment,—(1) under the heads of Direction, Construction, Accounts, and Collection and Police; and (2) under the heads Salaries, Travelling Allowances and Contingencies, compared in each case with the grant for 1865-66. The Tables also shew the ratio of these items to the total Budget grant and to the total grant for Establishment.

8. The increase in the charges for Establishment in 1866-67, over those of 1865-66, is £143,785. An analysis of the items causing this increase has been a work of much difficulty, involving an examination of all the items in the detailed Budget Estimates for the different Provinces; and after all it is not possible to enumerate them with complete precision, but the total increase may be divided under the following heads:—

	£.
Increased rates of allowances, chiefly to Upper Subordinates, and special allowances introduced for Establishment stationed at Presidency Towns...	28,875
Increase to strength of Establishment to provide for supervision of new works, of which £13,200 belongs to North-Western Provinces ...	17,700
Increase to Lower Subordinate Establishment, chiefly in Bombay ...	9,200
Increase to Petty Establishment, chiefly in Madras	8,500
Increased rates of travelling allowance	14,250
Increased Establishment for Offices of Account, Madras and Bombay, and formation of Office of Account for Rajpootana and Central India	3,980
Appointments of Accountants for Office of Executive Engineers, of which £6,000 for Bombay	9,480
Carried over	£ 91,985

Brought forward		£ 91,985
Increase in charges for contingencies—		
Bombay...	2,600	
North-Western Provinces	4,000	
		6,600
Conservancy Establishment not charged to this Department in previous estimates, of which £8,200 belongs to Madras		10,000
Reduction in debit of imperial charges to Local Funds for service rendered		35,200
TOTAL ...		£143,785

9. The total charge for Establishments in India is shewn by Table C to be 16·42 per cent. on the grant (excluding expenditure on Railways) being slightly in excess of the ratio of 1865-66, but less than that of any other year. The same Table shews that the Madras Establishments retain their place as by much the most expensive in India, absorbing more than 25 per cent., or one-fourth of the total Public Works grant made to that Presidency. In no other part of India, excepting the little Province of Coorg, is the percentage as high as 20 per cent.; in Oudh, Rajpootana and Central India, it is less than 12 per cent.

10. It will be observed from Table H that the grant for travelling allowances in Madras, is almost equal to that of Bengal and Punjab, although each of the latter Provinces has a larger expenditure to supervise, while that for Bombay is still higher. In the former case the high charge is perhaps in a measure due to the scattered nature of the Public Works undertaken in Madras, and the latter case may be partly accounted for by the exceptional rate of travelling allowances sanctioned for Bombay. But this will not account for the whole of the charges, and the attention of the Governments concerned might with advantage be drawn to this matter.

11. In Central India the grant for travelling allowance for 1866-67, is nearly two-thirds more than that for the preceding year, and is almost equal to the assignment for Oudh. There appears a case for enquiry here also.

12. The estimate of the North-Western Provinces is again remarkable on account of its high charges for Public Works Contingencies. The grant for 1866-67 (£12,776) is in excess of that for 1865-66 by £5,709, and is almost equal to that of Madras, Bengal, Punjab and the Central Provinces put together. On enquiry it has been ascertained that this high rate of charge is caused by certain expenditure properly debitable to other heads of service being charged instead to the grant for contingencies. Orders have issued from Government of India for a change in this respect, and it is hoped that, for the future, it will be found possible to reduce the grant by about one-half.

13. The proposed expenditure from Local Funds during 1866-67, will form the subject of a separate report, as some of the Provincial Estimates have not as yet been received. But the expenditure under this head is shewn approximately in Table J, which also contains a summary of the total estimated outlay on Public Works from all sources during the current year.

14. It will be seen from Table J that, including loss by exchange and interest on Capital of Railways and other guaranteed enterprize—both of which (although the latter is not charged to the Public Works Estimates) are essentially items of expenditure due to the prosecution of Public Works—the total estimated expenditure to be incurred during

1866-67 on Public Works in India, directly and indirectly, or, as it is popularly termed, in developing the resources of the country, will be about 13¾ millions sterling, *viz.*:—

	£.
Expenditure by Public Works Department on direct execution of works	6,374,905
State supervision, and cost of land for Railways	416,195
Local Funds Expenditure	1,140,804
Loss by exchange on Railway remittances	263,200
Guaranteed interest (net)	533,330
Outlay on Railways and Irrigation Works, of which the interest is guaranteed by the State	5,163,012
TOTAL ...	13,891,476

15. This is exclusive of the expenditure incurred by the Railway Companies in England for purchase and shipment of stores.

16. Tables K to N contain some statistics of the expenditure on Public Works for the last eight years, which may be of interest.

17. Table K shews the grants, exclusive of the allotments for State outlay on Railways and loss by exchange, made to each Province for the eight years commencing with 1859-60. The grant for 1866-67 amounts to £6,195,405 against £5,363,841 in 1865-66, and £3,853,110 the average of the six preceding years.

18. Tables L, M and N shew the distribution of these total grants under the main heads of Original Works, Repairs and Establishment for the last seven years. It will be observed that, while the grant for repairs has increased during this period by £188,000, and that for Establishment by £355,000, the grant for Original Works has increased by £2,196,000.

19. The great increase under head Original Works is due to provision made this year for a vigorous prosecution of the extensive new buildings required throughout India for the European troops; but the charges for new civil buildings and the grants for public improvements have also increased considerably in the same time. This is explained by Table O, which gives the expenditure for these seven years divided under these three classes of works, and shews that the grant for works of improvement has increased from 1½ to 2¼ millions sterling. This Table shews also the grants for repairs during the same period divided under the three main heads.

20. Table N shews that the grant for Establishment has increased from £672,307 in 1860-61 to £1,017,220, or by upwards of 53 per cent. during seven years. But it must be remembered that the total grants for Public Works have likewise increased during the same period, *viz.*, from £3,371,354 to £6,195,405, or 83 per cent., so the augmented charge for Establishment is in a great measure naturally due to the increase of expenditure.

21. The percentage of Establishment charges to total outlay during this period, is as follows:—

1860-61	... ...	19·64
1861-62	... .	21·07
1862-63	... ...	20·87
1863-64	... ...	16·62
1864-65	Including Rampart Removal Expenditure	17·59
	Excluding ditto ditto	18·43
1865-66	Including Rampart Removal Expenditure	16·28
	Excluding ditto ditto	18·66
1866-67	Including Rampart Removal Expenditure	16·42
	Excluding dito ditto	17·91

So, while the grants for Establishment have naturally increased, the percentage they bear to total outlay has generally gradually decreased.

22. It should be remembered that during this period, the tendency of departmental legislation has been to transfer to this head a considerable number of charges for subordinate and work Establishments, which used to appear in the accounts of works. Further that the pay of the lower grades of the Department has been sensibly improved of late. However, the tendency of Establishment charges to increase year by year, is a point which needs to be continually kept in view.

23. It will be observed that all the foregoing figures relate to the grants and not to the actual expenditure incurred, and no doubt the difference between the two on each head of service, and in each Province, is often very considerable. But such differences tend to compensate each other, when the aggregate results of the different Provinces are collected together, and therefore in a general way the grants may be taken, as put forward here, to represent the outlay which has actually taken place. But Tables based on the accounts of actual expenditure, will be hereafter framed as opportunity affords.

SIMLA,
The 29th June 1866.

G. CHESNEY,
Accountant General, P. W. D.

TABLE

BUDGET ESTIMATE FOR PUBLIC

General Abstract of Estimated Expenditure for Public Works

Provinces.	Military.		Civil Buildings.		Agricultural.		Communications.	
	Original Works.	Repairs.	Original Works.	Repairs.	Original Works.	Repairs.	Original Works.	Repairs.
	£.	£.	£.	£.	£.	£.	£.	£.
Madras ...	86,700	13,300	34,992	13,247	62,792	96,345	69,464	114,433
Bombay	404,001	50,691	159,823	32,815	56,471	39,713	140,616	35,071
Bengal	172,500	40,000	128,302	46,500	19,330	26,500	147,443	76,500
N. W. Provinces ...	325,694	50,306	84,242	15,690	145,339	37,090	81,187	98,708
Punjab	369,993	32,507	41,525	5,000	71,277	39,928	68,176	72,698
Central Provinces...	83,500	9,000	50,850	3,500	.....	.....	130,495	21,940
British Burmah ...	70,000	7,500	65,000	4,000	25,000	1,500	25,500	8,500
Oudh	118,998	8,502	35,530	2,500	.....	.....	37,990	12,500
Hyderabad ...	57,500	7,500	15,962	823	.....	.....	24,866	2,784
Straits Settlements	5,580	1,920	5,980	1,773	3,050	340	6,365	1,750
Rajpootana ...	63,066	4,984	8,271	580	.....	.....	16,912	259
Central India ...	58,341	5,659	3,910	747	.....	.....	25,900	9,832
Coorg	... ..	.....	500	450	.....	.....	5,000	3,500
Unappropriated grant	.....	.....	.....	. ...	.....	.....	.....	.....
Total ...	1,815,873	231,819	634,887	127,625	383,259	241,416	779,914	458,475
	2,047,692		762,512		624.675		1,238,389	
								2,282,951

ABSTRACT OF GRANT FOR

Grant assigned in Public Works Department Circu-
Grant assigned for Rampart Removal Works,
Amount passed for State expenditure on guaranteed
Grant for net loss by Railway Exchange ...
Grant from one per cent. Income Tax ...

A.

WORKS IN INDIA FOR 1866-67.

in India for the year from 1st May 1866 to 30th April 1867.

Miscellaneous Public Improvement.		Total.		Establishments.	Tools and Plant.	Railways not Guaranteed.	Guaranteed and aided Irrigation Works.	Total Ordinary P. W. Grant.	State outlay on Guaranteed Railways.	Total Imperial Estimate.	
Original Works.	Repairs.	Original Works.	Repairs.							1866-67.	1865-66.
£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.
6,495	2,675	260,443	240,000	178,750	15,000	...	5,807	700,000	15,426	715,426	647,255
381,370	2,401	1,142,281	160,691	207,028	20,000	...	...	1,530,000	312,604	1,842,604	1,681,000
1,500	500	469,075	190,000	160,000	8,425	...	15,000	842,500	49,543	892,043	754,800
1,500	.	637,962	201,794	167,050	20,694	...	...	1,027,500	7,450	1,034,950	815,180
6,614	1,870	557,585	152,003	129,937	7,975	..	...	847,500	6,577	854,077	620,363
...	1,000	264,845	35,410	60,115	4,600	...	..	365,000	...	365,000	312,030
12,500	1,000	198,000	22,500	35,000	2,000	...	...	257,500	...	257,500	257,500
...	...	192,518	23,502	28,692	1,500	3,788	...	250,000	...	250,000	195,000
...	...	98,328	11,107	16,320	1,745	...	...	127,500	...	127,500	114,400
162	300	21,137	6,083	6,980	800	...	...	35,000	...	35,000	35,000
...	...	88,249	5,773	10,307	671	...	...	105,000	..	105,000	56,250
...	...	88,151	16,238	14,211	1,400	...	...	120,000	..	120,000	76,250
...	..	5,500	3,950	2,830	220	...	..	12,500	...	12,500	10,000
...	...	...	...	...	...	...	...	...	...	...	31,497
410,141	9,746	4,024,074	1,069,081	1,017,220	85,030	3,788	20,807	6,220,000	391,600	6,611,600	5,607,425
419,887		5,093,155									
				Loss by Railway Exchange						263,200	171,215
				Grant from one per cent. Income Tax ...						.....	110,000
				Grand Total ...						6,874,800	5,888,640

1865-66 and 1866-67	1866-67.	1865-66.
	£.	£.
lar Nos. 2 and 107 of 1865	5,610,000	4,700,000
Bombay	610,000	700,000
Railways	391,600	207,425
.. . .	263,200	171,215
.. ..	.. ..	110,000
Total ...	6,874,800	5,888,640

TABLE B.

Grants for main heads of services for 1866-67, *as compared with those for* 1865-66.

I.—Grants under main heads, excluding the allotments assigned for Railways guaranteed and unguaranteed, and aided and guaranteed Irrigation Works.

		1866-67.	1865-66.	Difference.		Percentage of increase or decrease of grant for 1866-67 over that for 1865-66.	
				Grant for 1866-67 more than that for 1865-66.	Grant for 1866-67 less than that for 1865-66.	Increase.	Decrease.
		£.	£.	£.	£.		
Military ...	Excluding special fund works	1,891,500	1,270,248	621,252	...	13·32	
	Including ditto ..	**2,047,692**	**1,485,248**	**562,444**	...	**10·49**	
Civil Buildings ...	Excluding special fund works	689,928	715,663	...	25,735	...	·53
	Including ditto .	**762,512**	**880,888**	...	**118,376**	...	**2·21**
Public Improvement	Excluding special fund works	1,918,755	1,734,485	184,270	...	3·95	
	Including ditto ...	**2,282,951**	**2,051,044**	**231,907**	...	**4·32**	
Establishment ...	Excluding special fund works	1,000,192	870,219	129,973	...	2·79	
	Including ditto ...	**1,017,220**	**873,435**	**143,785**	...	**2·68**	
Tools and Plant		85,030	73,226	11,804	...	·22	
Total ...	Excluding special fund works	5,585,405	4,663,841	921,564	...	19·76	
	Including ditto ..	**6,195,405**	**5,363,841**	**831,564**	...	**15·5**	

II.—Grants as above, with the allotments for Establishment and Tools and Plant distributed among the charges for works on which they ultimately fall.

		1866-67.	1865-66.	Difference.		Percentage of increase or decrease of grant for 1866-67 over that for 1865-66.	
				Grant for 1866-67 more than that for 1865-66.	Grant for 1866-67 less than that for 1865-66.	Increase.	Decrease.
		£.	£.	£.	£.		
Military ..	Excluding special fund works	2,357,741	1,592,427	765,314	...	16·4	
	Including ditto ...	**2,522,709**	**1,806,140**	**716,569**	...	**13·36**	
Civil Buildings ...	Excluding special fund works	859,259	897,016	...	37,757	...	·80
	Including ditto ..	**928,291**	**1,065,877**	...	**137,586**	...	**2·56**
Public Improvement	Excluding special fund works	2,368,405	2,174,398	194,007	...	4·16	
	Including ditto ...	**2,744,405**	**2,491,824**	**252,581**	...	**4·70**	
Total ...	Excluding special fund works	5,585,405	4,663,841	921,564	..	19·76	
	Including ditto ...	**6,195,405**	**5,363,841**	**831,564**	...	**15·5**	

III.—Grants for 1866-67, as finally distributed, compared with those provisionally allotted in October 1865.

		Grant as finally distributed.	Grant as apportioned in P. W. D. Circular No. 107 of 1865.
	£.	£.	£.
Military Works		1,891,500	1,900,000
Civil Buildings		689,928	715,000
Works of Public Improvement	1,918,755		
Add grant for aided and guaranteed Irrigation Works, and Railways not guaranteed ...	24,595		
		1,943,350	1,952,500
Establishment		1,000,192	970,000
Tools and Plant		85,030	72,500
Total		5,610,000	5,610,000

TABLE C.

Percentage borne by the various grants to the aggregate allotment made to each Province.

Local Governments and Administrations.	Original Works.		Repairs.		Establishment.		Tools & Plant.	
	1866-67.	1865-66.	1866-67.	1865-66.	1866-67.	1865-66.	1866-67.	1865-66.
Madras...	37·51	31·67	34·57	40·55	25·75	25·35	2·17	2·43
Bombay — Excluding Special Fund ...	59·71	61·41	17·47	17·68	20·65	18·67	2·17	2·24
Bombay — Including Special Fund	74·66	78·52	10·51	9·75	13·53	10·5	1·3	1·23
Bengal	56·69	56·26	22·96	25·69	19·33	17·12	1·02	·93
N. W. Provinces	62·09	58·29	19·64	22·76	16·26	18·23	2·01	·72
Punjab	65·79	54·76	17·94	23·17	15·33	20·41	·94	1·66
Central Provinces	72·56	70·34	9·71	8·27	16·47	18·19	1·26	3·2
British Burmah	76·89	75·73	8·74	8·74	13·59	14·56	·78	·97
Oudh	78·2	69·49	9·54	14·56	11·65	14·99	·61	·96
Hyderabad	77·12	80·6	8·72	7·	12·8	11·67	1·36	·73
Straits Settlements	60·39	58·53	17·38	18·93	19·95	21·63	2·28	·91
Rajpootana	84·05	73·6	5·5	12·8	9·81	12·98	·64	·62
Central India	73·46	70·25	13·53	13·48	11·84	15·13	1·17	1·14
Coorg	44·	58·65	31·6	17·85	22·64	21·5	1·76	2·
General average — Including Special Fund Works ...	64·95	63·4	17·26	18·96	16·42	16·28	1·37	1·36
General average — Excluding Special Fund Works	61·43	57·97	19·14	21·8	17·91	18·66	1·52	1·57
Average for 1864-65	60·52	...	21·45	...	17·59	...	1·36	
„ for 1863-64	60·87	...	20·16	...	16·62	...	1·15	
„ for 1862-63	52·80	...	23·85	...	20·87	...	·77	
„ for 1861-62	53·70	...	24·52	...	21·07			

TABLE

Grants for State works for

	Military.					
	Original Works.		Repairs.		Total.	
	1866-67.	1865-66.	1866-67.	1865-66.	1866-67.	1865-66.
	£.	£.	£.	£.	£.	£.
Madras	86,700	73,318	13,300	13,285	100,000	86,603
Bombay ... Including Special Fund Works ..	404,001	407,320	50,691	37,680	454,692	445,000
Bombay ... **Excluding Special Fund Works** ...	**247,809**	**192,320**	**50,691**	**37,680**	**298,500**	**230,000**
Bengal	172,500	77,500	40,000	37,500	212,500	115,000
North-Western Provinces	325,691	210,811	50,306	49,189	376,000	260,000
Punjab	369,993	188,575	32,507	31,425	402,500	220,000
Central Provinces	83,500	61,500	9,000	8,500	92,500	70,000
British Burmah	70,000	62,000	7,500	8,000	77,500	70,000
Oudh	118,998	56,870	8,502	9,148	127,500	66,018
Hyderabad	57,500	53,740	7,500	5,580	65,000	59,320
Straits Settlements	5,580	4,900	1,920	2,510	7,500	7,410
Rajpootana	63,066	25,383	4,934	6,117	68,000	31,500
Central India	58,341	28,686	5,659	2,314	64,000	31,000
Coorg	...	...	.....	.....	.....	.....
Unappropriated grant	...	23,397	.....	.....	.....	23,397
Total ... Including Special Fund Works ...	1,815,873	1,274,000	231,819	211,248	2,047,692	1,485,248
Total ... **Excluding Special Fund Works** ...	**1,659 681**	**1,059,000**	**231,819**	**211,248**	**1,891,500**	**1,270,248**

D.

1866-67, *compared with those for* 1865-66.

Civil Buildings.						Total.					
Original Works.		Repairs.		Total.		Original Works.		Repairs.		Total.	
1866-67.	1865-66	1866-67	1865-66	1866-67	1865-66.	1866-67.	1865-66.	1866-67	1865-66.	1866-67.	1865-66.
£	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.
34,992	46,072	13,247	13,598	48,239	59,670	121,692	119,390	26,547	26,883	148,239	146,273
159,823	231,527	32,815	31,020	192,638	262,547	563,824	638,847	83,506	68,700	647,330	707,547
87,239	66,302	32,815	31,020	120,054	97,322	335,048	258,622	83,506	68,700	418,554	227,322
126,302	158,500	46,500	50,000	174,802	208,500	300,802	236,000	86,500	87,500	387,302	323,500
84,242	85,481	15,690	15,385	99,932	100,869	409,936	296,295	65,996	64,574	475,932	360,869
41,525	40,021	5,000	9,182	46,525	49,206	411,518	228,599	37,507	40,607	449,025	269,206
50,850	48,000	3,500	2,300	54,350	50,300	134,350	109,500	12,500	10,800	146,850	120,300
65,000	73,000	4,000	4,500	69,000	77,500	135,000	135,000	11,500	12,500	146,500	147,500
35,530	33,000	2,500	2,933	38,030	35,933	154,528	89,870	11,002	12,081	165,530	101,951
15,962	14,819	823	480	16,785	15,329	73,462	68,589	8,323	6,060	81,785	74,649
5,980	7,500	1,773	1,849	7,753	9,349	11,560	12,400	3,693	4,359	15,253	16,759
8,271	7,128	580	610	8,851	7,738	71,337	32,511	5,514	6,727	76,851	39,238
3,910	2,911	747	786	4,657	3,697	62,251	31,597	6,406	3,100	68,657	34,697
500	150	450	100	950	250	500	150	450	100	950	250
...	...	.....	...	.....	...	...	23,397	.....	.....	...	23,397
634,887	748,115	127,625	132,743	762,512	880,888	2,450,760	2,022,145	359,444	343,991	2,810,204	2,366,136
562,303	582,920	127,625	132,743	689,928	715,663	2,221,984	1,641,920	359,444	343,991	2,581,428	1,985,911

TABLE

Grants for works of Public Improvement

	Agricultural.						Communica			
	Original Works.		Repairs.		Total.		Original Works.		Repairs.	
	1866-67.	1865-66.	1866-67.	1865-66.	1866-67.	1865-66.	1866-67.	1865-66.	1866-67.	1865-66.
	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.
Madras	62,792	25,982	96,345	100,000	159,137	125,982	69,464	44,772	114,433	120,062
Bombay — Including Special Fund Works ...	56,471	76,380	39,713	44,067	96,184	120,447	140,616	159,132	35,071	37,676
Bombay — **Excluding ditto**	**56,471**	**76,380**	**39,713**	**44,067**	**96,184**	**120,447**	**130,616**	**159,132**	**35,071**	**37,676**
Bengal	19,330	49,000	26,500	26,000	45,830	75,000	147,443	125,200	76,500	73,000
N. W. Provinces	145,339	66,351	37,090	44,400	182,429	110,754	81,187	97,177	98,708	70,513
Punjab	71,277	36,517	39,928	31,655	111,205	68,172	68,176	55,901	72,698	65,188
Central Provinces	.....	... ..	.....	.....	.....	.....	130,495	101,500	21,940	13,000
British Burmah	25,000	4,000	1,500	1,200	26,500	5,200	25,500	30,000	8,500	8,260
Oudh	.. ..	.....	.....	.....	.....	.....	37,990	39,868	12,500	15,245
Hyderabad	.. ..	.. ..	... ..	.....	.. ...	.....	24,866	23,613	2,784	1,940
Straits Settlements	3,050	1,500	340	350	3,390	1,850	6,365	2,837	1,750	1,550
Rajpootana	.....	.....	.....	...	.. ...	.....	16,912	8,890	259	473
Central India	.....	.. ..	.....	.....	.....	... ..	25,900	21,970	9,832	7,179
Coorg	.....	.....	.....	... ..	.....	.. ...	5,000	5,715	3,500	1,685
Unappropriated grant ..	.....	.. ...	.....	.....	.....	.. ...	.....	8,100	.....	... ..
Total ... — Including Special Fund Works. ...	383,259	259,733	241,416	247,672	624,675	507,405	779,914	724,675	458,475	415,771
Total ... — **Excluding ditto**	**383,259**	**259,733**	**241,416**	**247,672**	**624,675**	**507,405**	**769,914**	**724,675**	**458,475**	**415,771**

E.

for 1866-67, *compared with those for* 1865-66.

TIONS.		MISCELLANEOUS PUBLIC IMPROVEMENT.						TOTAL.					
Total.		Original Works.		Repairs.		Total.		Original Works.		Repairs.		TOTAL.	
1866-67.	1865-66.	1866-67.	1865-66.	1866-67.	1865-66.	1866-67.	1865-66.	1866-67.	1865-66.	1866-67.	1865-66.	1866-67.	1865-66.
£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.
183,897	164,834	6,495	5,155	2,675	3,055	9,170	8,214	138,751	75,913	213,453	223,117	352,204	299,030
175,687	196,808	381,370	350,550	2,401	1,596	383,771	352,146	578,457	586,062	77,185	83,339	655,642	669,401
165,687	**196,808**	**27,174**	**33,991**	**2,401**	**1,596**	**29,575**	**35,587**	**214,261**	**269,503**	**77,185**	**83,339**	**291,446**	**352,842**
223,943	198,200	1,500	500	500	1,000	2,000	1,500	168,273	174,700	103,500	100,000	271,773	274,700
179,895	167,690	1,500	...	...	..	1,500	...	228,026	163,531	135,798	114,913	363,824	278,444
140,874	121,089	6,614	7,500	1,870	1,578	8,484	9,078	146,067	99,918	114,496	98,421	260,563	198,339
152,435	114,500	...	...	1,000	1,000	1,000	1,000	130,495	101,500	22,940	14,000	153,435	115,500
34,000	38,260	12,500	26,000	1,000	540	13,500	26,540	63,000	60,000	11,000	10,000	74,000	70,000
50,490	55,113	...	600	...	...	...	600	37,990	40,468	12,500	15,245	50,490	55,713
27,650	25,553	...	...	...	...	...	...	24,866	23,613	2,784	1,940	27,650	25,553
8,115	4,387	162	3,750	300	365	462	4,115	9,577	8,087	2,390	2,265	11,967	10,352
17,171	9,363	...	...	...	...	...	...	16,912	8,890	259	473	17,171	9,363
35,732	29,149	...	...	...	..	...	...	25,900	21,970	9,832	7,179	35,732	29,149
8,500	7,400	...	...	...	...	...	...	5,000	5,715	3,500	1,685	8,500	7,400
.....	8,100	...	...	...	...	...	...	.....	8,100	.....	.....	...	8,100
1,238,389	1,140,446	410,141	394,059	9,746	9,134	419,887	403,193	1,573,314	1,378,467	709,637	672,577	2,282,951	2,051,044
1,238,389	1,140,446	55,945	77,500	9,746	9,134	65,691	86,634	1,209,118	1,061,908	709,637	672,577	1,918,755	1,734,485

TABLE F.

Summary of the grants for Original Works and Repairs for 1866-67, *as compared with those for* 1865-66.

		Original Works.		Repairs.		Total.		Difference between the grant for 1866-67 and that for 1865-66.	
		1866-67.	1865-66.	1866-67.	1865-66.	1866-67.	1865-66.	Grant for 1866-67 more than that for 1865-66.	Grant for 1866-67 less than that for 1865-66.
Public Improvement.		£.	£.	£.	£.	£.	£.	£.	£.
Miscellaneous	Including Special Fund Works ...	410,141	394,059	9,746	9,134	419,887	403,193	16,694	
	Excluding ditto	**55,945**	**77,500**	**9,746**	**9,134**	**65,691**	**86,634**	.....	**20,943**
Agricultural		383,259	259,733	241,416	247,672	624,675	507,405	117,270	
Communications ...	Including Special Fund Works ...	779,914	724,675	458,475	415,771	1,238,389	1,140,446	97,943	
	Excluding ditto	**769,914**	**724,675**	**458,475**	**415,771**	**1,228,389**	**1,140,446**	**87,943**	
Total Public Improvement ...	Including Special Fund Works ...	1,573,314	1,378,467	709,637	672,577	2,282,951	2,051,044	231,907	
	Excluding ditto	**1,209,118**	**1,061,908**	**709,637**	**672,577**	**1,918,755**	**1,734,485**	**184,270**	
State Works.									
Civil Buildings ...	Including Special Fund Works ...	634,887	748,145	127,625	132,743	762,512	880,888	.....	118,376
	Excluding ditto	**562,303**	**582,920**	**127,625**	**132,743**	**689,928**	**715,663**	.....	**25,735**
Military ...	Including Special Fund Works ...	1,815,873	1,274,000	231,819	211,248	2,047,692	1,485,248	562,444	
	Excluding ditto	**1,659,681**	**1,059,000**	**231,819**	**211,248**	**1,891,500**	**1,270,248**	**621,252**	
Total ..	Including Special Fund Works ...	4,024,074	3,400,612	1,069,081	1,016,568	5,093,155	4,417,180	675,975	
	Excluding ditto	**3,431,102**	**2,703,828**	**1,069,081**	**1,016,568**	**4,500,183**	**3,720,396**	**779,787**	

TABLE G.

Distribution of the grant for Establishment for 1866-67, *by sub-heads of service, as compared with that for* 1865-66.

	Direction.		Construction.		Accounts.		Collection and Police.		TOTAL.	
	1866-67.	1865-66.	1866-67.	1865-66.	1866-67.	1865-66.	1866-67.	1865-66.	1866-67.	1865-66.
	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.
Madras	31,148	29,282	133,298	121,970	6,084	5,048	8,220	...	178,750	156,300
Bombay — Including Special Fund Works...	25,867	23,418	172,335	135,246	8,699	4,964	127	127	207,028	163,755
Bombay — Excluding ditto	.....	.....	.....	.....	...	...	...	...	190,000	160,539
Bengal	27,693	21,236	120,613	95,478	11,694	8,286	...	...	160,000	125,000
N. W. Provinces	25,095	25,467	129,176	104,231	7,925	9,277	4,854	4,820	167,050	143,795
Punjab	23,080	21,593	89,865	84,563	6,994	7,262	9,998	9,061	129,937	122,479
Central Provinces .	9,618	10,645	46,246	39,055	4,251	4,880	...	...	60,115	54,580
British Burmah	5,010	6,973	26,790	26,700	3,200	3,827	...	...	35,000	37,500
Oudh	5,205	4,688	20,470	20,392	3,017	3,037	...	...	28,692	28,117
Hyderabad	2,916	2,584	11,723	8,848	1,681	1,928	...	...	16,320	13,360
Straits Settlements ...	1,844	1,854	4,633	4,895	503	820	...	...	6,980	7,569
Rajpootana	1,240	1,178	8,427	6,120	640	...	...	...	10,307	7,298
Central India	1,232	1,178	12,439	10,354	540	...	...	...	14,211	11,532
Coorg	.....	.....	2,830	2,150	..	...	...	...	2,830	2,150
Total . — Including Special Fund Works...	159,948	150,096	778,845	660,002	55,228	49,329	231·99	14,008	1,017,220	873,435
Total . — Excluding ditto	.....	.....	.....	.....	...	...	...	...	1,000,192	870,219
Percentage of items on total Budget grant ...	2·58	2·77	12·57	12·27	·89	·98	·38	·26	16·42	16·28
Percentage of items on grant for Establishment ..	15·72	17·19	76·57	75·56	5·43	5·65	2·28	1·6	100·	100·

[NOTE.—In the case of those Provinces in which a proportion of the Establishment is charged to Local Funds, the amount of such charge has been deducted from the various heads concerned.]

TABLE H.

Distribution of the grant for Establishment for 1866-67, *under the heads Salaries, Travelling Allowances and Contingencies, as compared with that for* 1865-66.

	Salaries.		Travelling Allowances.		Contingencies.		TOTAL.	
	1866-67.	1865-66.	1866-67.	1865-66.	1866-67.	1865-66.	1866-67.	1865-66.
	£.	£.	£.	£.	£.	£.	£.	£.
Madras	154,200	134,095	22,450	19,875	2,100	2,330	178,750	156,300
Bombay { Including Special Fund Works ...	171,129	136,181	27,126	21,407	8,773	6,167	207,028	163,755
Bombay { Excluding ditto	...	...	...	...	...	...	190,000	160,539
Bengal	143,050	108,600	11,850	10,600	5,100	5,800	160,000	125,000
N. W. Provinces ...	136,844	122,028	17,430	14,690	12,776	7,077	167,050	143,795
Punjab	114,010	105,683	11,950	11,751	3,977	5,045	129,937	122,479
Central Provinces ...	53,460	48,090	4,550	4,250	2,105	2,240	60,115	54,580
British Burmah ...	30,050	31,482	3,450	3,670	1,500	2,348	35,000	37,500
Oudh	25,072	24,454	2,730	2,323	890	1,340	28,692	28,117
Hyderabad	13,912	10,972	1,840	1,820	568	568	16,320	13,360
Straits Settlements ...	6,355	6,929	520	525	105	115	6,980	7,569
Rajpootana	9,049	6,422	978	650	280	226	10,307	7,298
Central India	11,594	9,653	2,130	1,373	487	506	14,211	11,532
Coorg	2,151	1,692	600	418	79	40	2,830	2,150
Total { Excluding Special Fund Works ...	...	...	...	...	...	...	1,000,199	870,219
Total { Including ditto	870,876	746,281	107,604	93,352	38,740	33,802	1,017,220	873,435
Percentage of items on total Budget grant ...	14·06	13·91	1·74	1·74	·62	·63	16·42	16·28
Percentage of items on such other ...	85·61	85·44	10·58	10·69	3·81	3·87	100·	100·

TABLE J.

Summary of the total estimated outlay on Public Works in India from all sources, during 1866-67.

Local Governments and Administrations.	State outlay.					Outlay from Local Funds.	Outlay on Railways and Irrigation Works, of which the interest is guaranteed by the State.	Grand Total.
	On Public Works.	On guaranteed and aided Irrigation Works, and Railways not guaranteed.	On guaranteed Railways.	Net loss by Railway Exchange.	Total.			
	£.	£.	£.	£.	£.	£.	£.	£.
Madras ...	694,193	5,807	15,426	35,074	750,500	85,456	657,992	1,493,948
Bombay ...	1,530,000	...	312,604	32,296	1,874,900	300,000	1,345,208	3,520,108
Bengal ...	827,500	15,000	49,543	11,457	903,500	150,000	756,159	1,809,659
N. W. Provinces ...	1,027,500	...	7,450	46,450	1,081,400	200,000	841,133	2,122,533
Punjab ...	847,500	...	6,577	71,923	926,000	190,916	836,550	1,953,466
Central Provinces ..	365,000	...	...	66,000	431,000	79,071	726,000	1,236,071
British Burmah ...	257,500	...	...	...	257,500	61,568	...	319,068
Oudh ...	246,212	3,788	...	...	250,000	43,672	...	293,672
Hyderabad ...	127,500	...	...	...	127,500	30,121	...	157,621
Straits Settlements	35,000	...	...	...	35,000	...	...	35,000
Rajpootana ...	105,000	..	...	...	105,000	...	...	105,000
Central India ...	120,000	...	...	...	120,000	...	...	120,000
Coorg ...	12,500	...	...	...	12,500	..	...	12,500
Total ...	6,195,405	24,595	391,600	263,200	6,874,800	1,140,804	5,163,042	13,178,646
Add outlay from Foreign Funds to be incurreed in Mysore								179,500
Net interest on guaranteed Capital								533,330
Grand Total								13,891,476

[Expenditure on Railways and Irrigation Works, of which the interest is not guaranteed by the State, is excluded from this Table.]

TABLE K.

Annual Grants for Public Works, from 1859-60 *to* 1866-67, *exclusive of the allotments for State expenditure on guaranteed and aided enterprize.*

Local Governments and Administrations.	1859-60.	1860-61.	1861-62.	1862-63.	1863-64.	1864-65.	1865-66.	1866-67.
	£.	£.	£.	£.	£.	£.	£.	£.
Madras	670,000	620,000	660,000	720,000	644,445	680,000	616,603	694,193
Bombay — Including Special Fund Works ...	485,000	505,000	525,000	580,000	1,118,852	1,099,330	1,560,000	1,530,000
Bombay — **Excluding ditto**	**485,000**	**505,000**	**525,000**	**580,000**	**1,073,727**	**895,000**	**860,000**	**920,000**
Bengal	450,000	514,917	510,000	518,900	659,614	545,000	780,000	827,500
North-Western Provinces ...	800,000	610,000	630,000	600,686	617,643	684,538	788,760	1,027,500
Punjab	564,000	510,000	540,000	510,000	552,037	565,000	600,000	847,500
Central Provinces	... ...	... ...	... ...	181,400	278,666	290,000	300,000	365,000
Nagpoor	60,000	60,000	85,000					
British Burmah	145,000	119,210	145,000	172,500	197,500	242,800	257,500	257,500
Oudh	395,000	250,000	190,000	172,170	220,000	207,253	187,581	246,212
Hyderabad	53,000	82,459	54,100	66,600	92,679	90,000	114,400	127,500
Straits Settlements	63,300	67,968	40,000	42,000	40,000	40,000	35,000	35,000
Rajpootana	... ...					11,367	56,250	105,000
Central India		1,800	17,500	28,677	37,810	12,075	76,250	120,000
Coorg						6,000	10,000	12,500
Unappropriated grant ...	... ..	... .	23,940	62,402	53,523	... ...	31,497	
TOTAL — Excluding Special Fund Works ...	3,685,300	3,371,354	3,420,540	3,655,330	4,467,944	4,269,033	4,663,841	5,585,405
TOTAL — Including ditto ...	3,685,300	3,371,354	3,420,540	3,655,335	4,512,769	4,473,368	5,363,841	6,195,405

TABLE L.

Grants from Imperial Funds for Original Works, from 1860-61 *to* 1866-67 *inclusive.*

Local Governments and Administrations.	1860-61.	1861-62.	1862-63.	1863-64.	1864-65.	1865-66.	1866-67.
	£.	£.	£.	£.	£.	£.	£.
Madras	200,054	250,537	296,556	268,105	296,952	195,303	260,443
Bombay — Including Special Fund Works	224,483	260,165	302,113	808,364	776,782	1,224,909	1,142,281
Bombay — Excluding ditto ..	224,483	260,165	302,113	765,406	572,452	528,125	549,309
Bengal	264,187	260,400	270,748	382,459	280,000	410,700	469,075
North-Western Provinces ..	372,260	379,836	350,686	319,266	381,833	459,826	637,962
Punjab	296,131	300,562	260,185	323,016	325,223	328,517	557,585
Central Provinces	... ...	... ...	119,301	202,924	199,598	211,000	264,845
Nagpoor	41,469	65,154					
British Burmah	94,887	93,301	111,840	148,637	185,600	195,000	198,000
Oudh . ..	214,949	147,481	125,000	167,626	144,475	130,338	192,518
Hyderabad	61,547	35,370	46,805	71,862	69,266	92,202	98,328
Straits Settlements	56,410	27,842	24,626	24,321	25,909	20,487	21,137
Rajpootana	1,330	16,330	22,171	30,671	8,378	41,401	88,249
Central India					10,410	53,567	88,151
Coorg					2,678	5,865	5,500
Undistributed grant	. .	. ...	... ..	... ...	... ...	31,497	
TOTAL — Including Special Fund Works	1,827,707	1,836,978	1,930,034	2,747,251	2,707,104	3,400,612	4,024,071
TOTAL — Excluding ditto .	1,827,707	1,836,978	1,930,034	2,704,293	2,502,774	2,703,828	3,431,102
Add grant for Repairs as per Table M.	881,340	838,702	871,776	909,906	959,586	1,016,568	1,069,081
Grant for Establishment as per Table N. — Including Special Fund Works	662,307	720,920	763,102	750,336	786,829	873,435	1,017,220
Grant for Establishment as per Table N. — Excluding ditto ..	662,307	720,920	763,102	748,169	786,829	870,219	1,000,192
Add grant for Tools and Plant ..	. . ..	... ...	28,021	51,753	19,844	73,226	85,030
Unappropriated grant at disposal of Government of India	. . . .	23,940	62,402	53,523			
Total as per Table K. — Including Special Fund Works	3,371,354	3,420,540	3,655,335	1,512,769	4,173,363	5,363,841	6,195,405
Total as per Table K. — Excluding ditto ..	3,371,354	3,420,450	3,655,335	4,467,644	4,269,033	4,663,841	5,585,405

TABLE M.

Grants from Imperial Funds for Repairs, from 1860-61 *to* 1866-67 *inclusive.*

Local Governments and Administrations.	1860-61.	1861-62.	1862-63.	1863-64.	1864-65.	1865-66.	1866-67.
	£.	£.	£.	£.	£.	£.	£.
Madras	259,946	239,463	233,993	229,466	250,000	250,000	240,000
Bombay	163,585	148,126	158,852	158,819	165,000	152,039	160,691
Bengal	156,370	135,600	128,972	147,500	155,000	187,500	190,000
N. W. Provinces	136,995	134,420	130,000	168,036	170,234	179,487	201,794
Punjab	102,777	114,465	124,815	120,153	118,158	139,028	152,003
Central Provinces	..	...	21,314	25,141	27,145	24,800	35,440
Nagpoor	3,565	4,215					
British Burmah	34,000	30,060	31,500	18,863	23,300	22,500	22,500
Oudh	12,765	20,034	20,000	23,674	32,651	27,326	23,502
Hyderabad	5,920	7,420	8,445	8,070	7,630	8,000	11,107
Straits Settlements	4,947	3,729	7,412	5,899	6,311	6,624	6,083
Rajpootana	...	...	...	...	576	7,200	5,773
Central India	470	1,170	3,473	4,285	1,581	10,279	16,238
Coorg	...	...	...	..	2,000	1,785	3,950
TOTAL ...	881,340	838,702	871,776	909,906	959,586	1,016,568	1,069,081

TABLE N.

Grants from Imperial Funds for Establishment, from 1860-61 *to* 1866-67 *inclusive.*

Local Governments and Administrations.	1860-61.	1861-62.	1862-63.	1863-64.	1864-65.	1865-66.	1866-67.
	£.	£.	£.	£.	£.	£.	£.
Madras	160,000	170,000	164,450	128,874	123,048	156,300	178,750
Bombay ... Including Special Fund Works ..	116,932	116,709	118,013	137,167	148,704	163,755	207,028
Bombay ... Excluding ditto ..	116,932	116,709	118,013	13,000	148,704	160,539	190,000
Bengal	94,360	114,000	119,180	110,405	110,000	125,000	160,000
N. W. Provinces	100,745	115,744	120,000	130,341	132,471	143,795	167,050
Punjab	111,092	124,973	125,000	108,868	121,619	122,479	129,937
Central Provinces	...	...	37,782	50,600	62,257	54,580	60,115
Nagpoor	14,966	15,631					
British Burmah	20,323	21,639	29,160	30,000	33,900	37,500	35,000
Oudh	22,286	22,485	27,170	28,700	30,127	28,117	28,692
Hyderabad	14,992	11,310	11,350	12,746	13,101	13,360	16,320
Straits Settlements	6,611	8,429	7,963	9,780	7,780	7,569	6,980
Rajpootana	...	...	...	...	2,413	7,298	10,307
Central India	...	...	3,034	2,855	84	11,532	14,211
Coorg	...	...	...	...	1,322	2,150	2,880
Total ... Including Special Fund Works ...	662,307	720,920	763,102	750,336	786,829	873,435	1,017,220
Total ... Excluding ditto ...	662,307	720,920	763,102	748,169	786,829	870,219	1,000,192

TABLE O.

Grants for Original Works and Repairs from 1860-61 *to* 1866-67, *under the heads 'Military,' 'Civil Buildings,' and 'Public Improvement.'*

Years	Military.			Civil Buildings.			Public Improvement.			Total.		
	Original Works.	Repairs.	Total.	Original Works.	Repairs.	Total.	Original Works.	Repairs.	Total.	Original Works.	Repairs.	Total.
	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.
1860-61	770,114	130,575	900,689	304,185	86,532	390,717	753,408	664,233	1,417,641	1,827,707	881,340	2,709,047
1861-62	390,571	147,052	537,623	198,036	88,811	286,847	1,248,371	602,839	1,851,210	1,836,978	838,702	2,675,680
1862-63	410,679	158,809	569,488	307,198	101,879	409,077	1,212,157	611,088	1,823,245	1,930,034	871,776	2,801,810
1863-64	614,846	172,059	786,905	593,816	104,048	697,864	1,538,589	633,799	2,172,388	2,747,251	909,906	3,657,157
1864-65	672,275	176,180	848,455	464,147	118,154	582,301	1,570,682	665,252	2,235,934	2,707,101	959,586	3,666,690
1865-66	1,274,900	211,248	1,485,248	748,145	132,743	880,888	1,378,467	672,577	2,051,044	3,400,612	1,016,568	4,417,180
1866-67	1,815,873	231,819	2,047,692	634,887	127,625	762,512	1,573,314	709,637	2,282,951	4,024,074	1,069,081	5,093,155

NOTE.—The grant assigned on account of the Reserve Fund, from 1860-61 to 1863-64, and which was only available for Original Works, has been rateably distributed among the three heads of service.

Government of India.

PUBLIC WORKS DEPARTMENT.

Bribery for the despatch of Merchandize by Railways.

Circular No. 19*R., dated Simla, the* 5*th October* 1866.

READ again—

Public Works Department Circular No. 2R. of 14th February 1866.

Public Works Department Resolution Nos. 555-9R., dated 13th June 1866.

Read—

Letter No. 6147-259, dated 9th April 1866, from the Commissioner of Mysore, and enclosure.

Letter No. 210-7420, dated 10th April 1866, from the Secretary to Chief Commissioner, Central Provinces.

Letter No. 237, dated 29th May 1866, from the Secretary to Chief Commissioner, Oudh.

Letter No. 1792, dated 7th June 1866, from the Secretary to Government, Madras, and enclosure.

Letter No. 155, dated 16th June 1866, from Under-Secretary to Government, Punjab.

Letter No. 16R-C., dated 18th June 1866, from the Secretary to Government, North-Western Provinces, and enclosure.

Letter No. 2055, dated 29th June 1866, from Secretary to Government of Madras.

Read also—

Office Note on the replies to Circular No. 2*R. of* 1866.

In Circular No. 2 papers on the subject of bribery alleged to have obtained in Berar in connection with the transit of cotton by rail and the measures taken to put it down, were sent to the Local Governments and Administrations for any suggestions or remarks they might wish to offer. Brief abstracts of the replies received have been made.

2. *The Government of Madras* states that no complaint of undue preference has been made in connection with the Madras Railways, though one person irregularly employed in the weighment of cotton did receive a consideration of 5 Rupees.

Preventive measures have been taken and the question of entrusting weighments to responsible agency has been pressed on the Railway Company. The Madras Government is satisfied that it will not be necessary to adopt the arrangements found needful in Berar.

The Government, North-Western Provinces, refers to the Report of the Committee on the malpractices on the East Indian Railway last season as exhausting the subject; observes that the system of bribery being a consequence of the deficiency of stock, the real remedy is obvious. The rates too, should be increased so as to bring the traffic within bounds.

Is of opinion that the Berar system is the best that can be devised, but it should be applied by the Railway Company and not by Government.

Notices that the East Indian Railway Company will not acknowledge responsibility for goods till they are laden on the trucks, and considers that the Berar plan of an enclosure at the Stations, and a small fee for goods deposited and registered, would meet the case.

The Sudder Board of Revenue, North-Western Provinces, reports that the system of Government registration, introduced at Agra and Allygurh, was practically a failure, and attributes this to its having been undertaken too late and after the difficulty had in a great measure been got over.

The Commissioner of Agra points out that the failure of the system is probably due to its being *optional,* and is of opinion that, so long as Railway officials ignore Local Officers and do not invite their aid, bribery will continue.

In the *Meerut Division* Mr. Cordery's, or the Berar, system is accepted.

The Civil Officers of the Benares Division would try the system at once, but dwell on the necessity of good supervision.

The Commissioner of the Allahabad Division would not permit goods to be deposited at Stations, unless there was an early prospect of their being worked off. Does not

see that the Berar system would put a stop to bribery, while it would relieve, in a very mischievous manner, the Railway Company of the responsibility for the safe custody and keeping of the goods they receive for conveyance, and which is now avoided by refusals to give receipts for goods until actual despatch. Would have godowns at every Station for 15 days' traffic, and bind the Company to give receipts for goods, rejecting such goods as could not be stored, and confining Government interference to the erection of godowns for the reception of such rejected goods. The Magistrates at Sudder Stations only to be authorized to inspect the registers, the godowns, &c., say once a week.

The Magistrate of Allahabad dwells upon the extent to which combination for purposes of fraud is carried amongst the Railway Company's servants in consequence of the want of knowledge of native character prevailing amongst the superior Officers of the Company. Suggests that private individuals should be permitted to supply their own vehicles. Considers that the system of Government registration will only prove successful with unremitting supervision. But after all recurs to his recommendations of a radical reform in the subordinate Railway officials, and proper mixture of classes, proper inspection by competent inspectors, and supervision and control by high authority from some central position. The present difficulties are in no way diminished by the great centralization of all departments, and by the fact that the chief authorities live at the extremity of the line, and are practically inaccessible and unaware of what is really going on on the line, for the whole truth cannot be related in reports, or discovered by a flying visitor's journey of inspection.

The Magistrate of Cawnpore is averse to a Government register, as it would lead to more bribery and inextricable confusion in cases of enquiry into malpractices. Otherwise agrees in the system of registration, as accepted by the Government of India in its Resolution on the malpractices on the East Indian Railway last season.

The Lieutenant Governor of the Punjab is of opinion that, when the carrying power is sufficient, no interference is necessary. When the demand for wagons increases, the rates should be raised up to a maximum, but non-interference must be maintained. When the demand is so great that the maximum limits do not give relief, then a system of registry should be used, and when registering even does not suffice, then the Berar system should be resorted to.

His Honor is further of opinion that a portion of each train should, under all circumstances, be reserved for perishable goods and articles of value occupying little room.

The Commissioner of Mooltan considers that the system of registration and assignment of plots, cannot be successful without a good officer to superintend it.

The Commissioner of Lahore recommends inspection by officers of higher pay, at uncertain times, who should be authorized to receive complaints.

The Commissioner of Umritsur would notify publicly that applications for wagons are to be made to the Traffic Manager's Office, the Company reserving the right to allot as they chose. Does not consider that the Berar system will be any check over Station Masters, and the Consulting Engineer agrees in this. This Officer and the Financial Commissioner agree in considering that the real remedy is an ample supply of rolling-stock, and failing that a Government system of registration is the proper thing. The Consulting Engineer thinks it is out of the question that the Railway Company should provide godown accommodation for more than three or four days' traffic.

The Chief Commissioner, Central Provinces, thinks the Berar plan a good one, but not perfect. He recommends the adoption at every station of an enclosed Government Cotton-yard, sub-divided into *Chuboothras* of varying sizes, to keep consignments of different firms separate. A fee of one anna per bale should be charged, and a system of registration and check should be adopted in order that wagons might be allotted in regular order.

He further adds that only men of character and status should be appointed Masters of important Stations.

The Chief Commissioner of Oudh is of opinion that the Berar system is the best under the circumstances, but thinks that the evil will not be stopped until the carrying stock is increased, and cotton properly screwed.

Considers that Station Masters should be selected with the greatest care, and be remunerated adequately; also that Travelling Inspectors and Traffic Managers should be looked to for a "most energetic performance of their duties," and especially in the matter of the despatch of all goods according to registers prepared according to priority of *receipt.*

The Commissioner of Mysore states that there does not appear to be any reason for supposing that bribery is resorted to in the Mysore District.

3. The measures proposed and carried into effect in Berar were chiefly a system of registration, and storing on an enclosed plot of ground adjacent to the Stations, by a Government Officer, of the batches of cotton as they arrive, the object being not only to prevent bribery, but to ensure despatch in the order of arrival of consignments.

In the Hyderabad Administration Report for 1865-66 it is stated that the system has been very successful in checking the unfairness with which carriage was allotted by the Station Masters.

In Resolution Nos. 555-59R., paragraphs 14 to 21, the Government of India indicated that the proper system, in their opinion, was a system of registration of arrivals as regards imperishable goods, of applications for freight as regards perishable goods. The only sound principle for regulating the distribution of wagons is priority of arrival, but until the capabilities of the line are on a par with the demand for transport, this principle cannot be adopted unconditionally without sacrificing the trade in perishable goods. A system of registration, combined with the marking out of the Station-yards into blocks for the stacking of imperishable goods, and efficient supervision of the subordinate servants, will go far to remove all grounds of complaint of bribery and undue preference. A separate Government registration, as an additional check, might also be useful; but should it lead to an additional system of bribery, it could be summarily suppressed.

OBSERVATIONS.—The replies that have been received tend to shew that the system approved by the Government of India in Resolution Nos. 555-9R., is probably the best—the interference of Government being avoided until abuse is distinctly alleged or suspected.

2. The question of the East Indian Railway Company declining responsibility for goods delivered or deposited at Stations until loaded in wagons, has been separately considered and satisfactorily disposed of. Sheds for outward goods will be erected where required, which will enable the Company to meet the public in this respect.

3. The remedy for the whole matter lies in the carrying capacity of the lines being made commensurate with the traffic. Meantime, that traffic may be fairly limited by raising the tariff, as is proposed in some of the replies; but this measure should only be adopted after sufficient notice.

4. The screwing of cotton also affects the question very seriously; but until this is done by traders in their own interests, the transport by rail of loose or half-screwed cotton can be discouraged, if not limited, by the system introduced on the East Indian Railway, of charging by measurement instead of by weight, or else by charging differential rates if it be preferred to adhere to weight.

5. There is much unanimity of opinion as to the necessity of having Station Masters of a superior class, which is worthy of consideration by Railway Companies.

ORDER.—Ordered that a copy of these Observations, together with a copy of the Office Note, be forwarded to the Home Department for information, and for the purpose of being published in the Supplement to the *Gazette of India.*

Ordered also, that copies be forwarded for information to the Department, Governments and Administrations marginally noted—the replies to the Circular being sent to the Government of Bengal, in original, for the special consideration of the Agency of the East Indian Railway Company.

Foreign Department.	Punjab.
Madras.	Oudh.
Bombay.	Central Provinces.
Bengal	Hyderabad.
N. W. Provinces.	Mysore.

(Signed) C. H. DICKENS, *Lieut.-Col.*, R. A.,
Secretary to the Govt. of India.

Government of India.

HOME DEPARTMENT.

Damage done by severe floods to Telegraph Lines between Kurrachee and Kotree.

From W. McGregor, Esq., *1st Assistant Superintendent in charge, Kurrachee Sub-Division, to* C. B. P. Gordon, Esq., *Superintendent, Government Telegraphs, Scind Division,—(No.* 161, *dated Camp Jeempeer, the* 16*th August* 1866*).*

Having completed my inspection from Kurrachee to Hydrabad, I have the honor to report the following for the information of the Director General, with reference to the recent storm and damage done to my lines on the Kotree section.

2. On the 4th instant, at 3-40 P. M., when I and the working parties were at Joongshai, there was a heavy fall of rain, and about 7-15 P. M. the rain came down in torrents. I was not aware that communication was interrupted on our line till receipt of your telegram by the Railway line (which was shortly after also interrupted). Had the weather permitted, I would have tested the line that very night, but was compelled to postpone the testing till next morning.

3. At day-break on the 5th I managed to test, but had very great difficulty in making any of the coolies turn out, as it was still raining. On connecting my instrument I worked well with Kotree, but not at all with Kurrachee (the Railway lines were interrupted on both sides). Shortly after sending an emergent message for the Railway, our line to Kotree was also interrupted.

4. What with using threats and offering double wages I succeeded in getting some of the coolies to proceed out on the Kurrachee side, but progress was stopped about 2½ miles from Joongshai, owing to the country being flooded—water near our lines nearly 7 or 8 feet high, and all the nullahs full and impassable. The water was washing over the arches of the Joongshai Bridge at the time, and one of the arches was carried away. As nothing could be done till the water subsided, we had no alternative but to wait. During the afternoon a Railway coolie, who managed to walk, wade, and swim through, arrived from Doobajee, reporting that our lines were down in several places and washed away at Doreegore, 8 miles distant from Joongshai, at Khyraseer, 3 miles further, and at Joolagy Bridge, 2 miles from Doorbajee. Another attempt was now made to induce the coolies to accompany us, but to no effect—one and all refusing to move out till the rain stopped, and stating that, if forced, they would leave us. Knowing full well that the Railway required hundreds of men, and that, if pressed, they would desert in a body, I agreed, to wait and see how the weather would turn out next day.

5. As the rain was not so heavy on the morning of the 6th, part of the coolies ventured out with our parties, the rest deserted. It would have been folly for us to have gone unaccompanied by men. We managed to put up the line near Doreegore on the one side of Joongshai, and Krinjalla on the other.

6. On the 7th, lines were put to rights nearly as far as Loyach Bridge—the Loyach crossing was taken in hand and put up—also 21 posts between Doreegore and Doorbajee.

7. On the 8th, the Loyach crossing was made as permanent as circumstances would allow, and the line put right as far as the Joolajee.

8. On the morning of the 9th, when I left Nuttoo's party, he was repairing the Joolajee crossing, and as I was confident that he would finish that, and also put up the 16 posts which were down a little further on, I pushed on that day to the Mulleer River, where I was happy to find that my arrival had been anticipated, and that you were busy constructing a flying line across from Landi. By 5-30 P. M. we had good communication on both sides.

9. The verandah of the Hydrabad Office fell in on the 12th instant, bringing down with it the line wires from the terminal to the Office. Temporary connections have been made, and a frame-work of wood for the door, through which the lines have for the present been led into the Office.

10. The Kotree Office has also been damaged, but nothing serious.

11. As I was only a few hours in Hydrabad, taking in provisions, &c., I was unable to visit the Junction Houses, which being *pucca* buildings have, I doubt not, stood the storm well.

12. Taking into consideration the flooded state of the country, and the difficulty we experienced in proceeding along the lines, I do not think it was possible for us to have re-established communication sooner than we did. In fact, if it had not been our good fortune to be at Joongshai (half-way) with coolies and to have your co-operation at the Mulleer, communication could not have been restored under 7 or 8 days.

13. Our best thanks are due to the Railway authorities who so readily gave us a lift on their trollies whenever opportunity offered. To have proceeded on foot, or on camel, or horseback for several days after the storm, would have been simply to try an impossibility. Even now to do so along our line is out of the question.

14. Mr. Black and Nuttoo were ever ready and worked well, so did the line-runners of Kurrachee and Kotree. They one and all proved themselves equal to the emergency. All our clothes were wet through, and we have scarcely been dry or had sufficient food or shelter since our troubles commenced on the night of the 4th.

15. All have nearly been starved on the line, and the coolies had to live on *bajree* grain soaked in water, till relieved with supplies which were sent up the line for the Railway people.

16. The construction of the second wire has been entirely stopped since the 4th, and the working parties are patrolling the line in four sections.

17. No lines in the world could have stood the rush of water we had, particularly at the Mulleer, where it washed over our top poles, leaving as a water-mark, branches of bushes, &c., hanging on the line wire. The rails at both the Mulleer and Joolajee were bent like so many reeds, and at the latter were carried with the sleepers and laid along the opposite bank.—Nine piers and eleven girders of the Mulleer Bridge were washed away—some of the latter nearly half a mile down the river. The Railway damages are so great that it is expected at least two months will elapse before a train can be run from Kurrachee to Joongshai. For further particulars of the damage and storm, I beg to refer you to the local newspapers which contain full details.

18. With the exception of 6 hours at Kurrachee and 3 in Hydrabad, my time has been spent on the line. My accounts and reports are consequently in arrears, but shall be brought up to date at once.

19. The following is a list of breaks, &c., on the line, Kurrachee to Hydrabad, inclusive:—

Hydrabad Office.—Back verandah fell in on the top of the line wires leading into Office; causing an interruption of nearly two hours.

Kotree Office.—Portion of verandah damaged; batteries had to be moved.

Line across the Loyach River (70 miles from Kurrachee) washed away; 13 posts, including 2 terminals, down; wire in 3 places, and 3 insulators, 2 brackets (Brooke's), broken; 8 posts down near Krinjalla (66th mile); wire in one place, and 2 insulators (Brooke's), broken; 2 posts down near 55th mile.

Twenty-six posts down, including 2 angles, between Doreegore and Doorbajee (45th and 34th mile); wire broken in 2 places, 2 insulators (Douglas') gone; line across the Joolajee, 33rd mile and near Khargote (31st mile), washed away; 23 posts down; wire in pieces; several Douglas' insulators not to be found.

Three posts down near 30th mile.

All right from Gughur, 28th mile, to Landi, 14th mile.

From Landi across Mulleer, and a little further, 2 miles of line down, and washed away in Mulleer; several of the standards, insulators, &c., not to be found. The terminal posts upside down, anchored and saved by the stays; angle and several posts down near Drig, 7 miles from Kurrachee.

From Kurrachee to Jeempeer, 72nd mile, nearly 45 per cent. of the posts will have to be mounded and straightened, having had the earth washed away from base.

From Jeempeer to Hydrabad, about 15 per cent. of the posts will have to be mounded and straightened, having had the earth washed away from base.

Remarks by C. B. P. GORDON, ESQ., *Superintendent of Telegraphs, Scind Division.*

THIS interruption was caused by one of the most fearful storms that Kurrachee and its neighbourhood have been visited with within the memory of living man. To give an idea of the extent of the damages which have taken place, I need only mention that in some places Railway embankments, stone bridges, iron viaducts, and buildings have been swept away. To my certain knowledge iron girders, 50 tons in weight, were hurled down the Mulleer River several hundred yards, and in one instance for half a mile. The country between Kurrachee and Kotree is for the most part very flat. The Railway embankment consequently forms an immense bund throughout. After heavy rain the country becomes flooded; and in the event of a break on the Railway line, an inspection becomes almost impossible; such instances are of course of very rare occurrence, but when they do happen, the results are attended with the stoppage of all communication. In the present instance, Telegraph communication ceased on the evening of the 4th, and in some places it was found impossible to repair the damages until the 9th. A detailed report of the damages to the line caused by the storm, is contained in Mr. McGregor's letter No. 161 of the 16th August, herewith attached. I would mention that the zeal displayed by all concerned, merits the highest praise; and I would beg to bring to the special notice of the Director General the untiring energy evinced by Mr. McGregor and his subordinates. For 10 or 11 days they suffered extreme hardships, and in this state they had to work in water for hours. I would suggest that the *subordinates* are allowed to draw double pay for the time they were thus employed, *viz.*, from the 4th to 15th August. The break at the Mulleer was repaired under my personal superintendence. Here for nearly 2 miles not a vestige of the line remained. After great difficulty, working parties were organized to push ballast waggons to the Mulleer (14 miles). From the place where the embankment was washed away for 1½ miles, the material was carried on coolies' heads over broken and muddy ground; the transport of stores and construction of the line only occupied us for 12 hours, it of course took much longer to enlist the coolies, purchase posts, borrow wire from the Indo-European Department, arrange for carriage, &c. But when we got fairly in motion, every one worked with a will, and the new line was soon erected. It was on the 9th of August I put up the Mulleer crossing. Owing to the bad weather it could not possibly have been done before: almost simultaneously with the completion of the Mulleer crossing, other works near at hand were finished, and we thus had communication on the evening of that day.

Abstract of the Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations under the Provisions of the Act of Parliament 24 and 25 Vic., Cap. 67.

The Council met at Simla on Wednesday, the 10th October 1866.

PRESENT:

His Excellency the Viceroy and Governor General of India, *presiding*.

His Excellency the Commander-in-Chief.

The Hon'ble H. S. Maine.

The Hon'ble W. Grey.

The Hon'ble Colonel H. M. Durand, C. B.

The Right Hon'ble W. N. Massey.

The Hon'ble W. Muir.

The Hon'ble H. P. A. B. Riddell.

THE OUDH SUB-SETTLEMENT BILL.

The Hon'ble Mr. Muir in moving for leave to introduce the Bill to legalize the rules made by the Chief Commissioner of Oudh for the better determination of certain claims of subordinate proprietors in that Province, said that this Bill was brought forward with the view of giving legislative authority to the arrangements lately sanctioned by the Government of India, for the settlement of certain classes of estates held under Sunnud by the great landholders in Oudh.

The reasons which had led to those arrangements had been already fully detailed in the correspondence between the Government and Mr. Strachey, the Chief Commissioner of Oudh, already published in the *Gazette of India*, and he need not therefore refer to them more particularly now.

The Bill related only to that portion of the arrangements in question which provided for the rights of Sub-proprietors or Zemindars, and the terms on which they were to be admitted to settlement. It had no reference to the arrangements concluded in respect of non-proprietary cultivators.

Perhaps some remarks were necessary on the shape and form of the Bill. As the Chief Commissioner's rules embodied stipulations which form a sort of compromise with the Talookdars on certain debated points, it had been deemed advisable to retain them, as a Schedule to this Bill, in the very words and in the exact form in which they were concluded. But it was really in respect of only a limited portion of these stipulations that necessity for legislation existed. In many points the rules simply enunciated the law as it was acknowledged by the Courts in Oudh.

For example, the provision for maintaining, under a proprietary title, the "nankar" lands in the possession of ex-proprietary claimants, was nothing more than a statement of the law and practice recognized by the Courts. So with the rules for the determination of the revenue demandable by the Talookdars from the sub-proprietors. This was a matter within the exclusive jurisdiction of the Revenue authorities acting administratively under the instructions of the Executive, and their action in this respect could not be called in question by the Courts.

There were in fact, perhaps, only two of the Rules, the 3rd and the 8th, which required legislation to make them binding on the Courts. He would refer briefly to each of these.

The 8th Rule laid down that, even in cases where the sub-proprietary title was otherwise fully established, still if the average profits of the sub-proprietors during the period of limitation, or so far as they could be ascertained, were found to have fallen short of 12 per cent. of the gross rental, then the sub-proprietors were not to be admitted to engagements. They were to be excluded: but in lieu of a Sub-settlement, their "seer" and "nankar" lands, under a proprietary title, were to be made up to 10 per cent. of the gross rental of the whole estate. In properties of which the sub-proprietors had been unable to secure a larger profit, in virtue of their proprietary right, than 12 per cent. of the rental, it might reasonably be presumed that the superior proprietor had materially encroached upon that right, and had left the Zemindars but a weak and unprofitable title: and it might be held that so feeble and imperfect a right did not justify the claim of the Sub-proprietors to a sub-settlement of the entire estate. The assignment of a nankar allowance, equal to 10 per cent. of the rental, might be assumed as placing them in a position nearly as profitable as that which they formerly held. It would not indeed be a position of so much influence and importance. But the amount of profit would be about the same, and consequently the arrangement might be held to be reasonable and equitable. Still it was doubtful whether the arrangement would be recognized by the Courts, unless sanctioned by the Legislature.

The second case was that of Rule 3. This reduced to a precise formula the law of limitation for Sub-settlements, which had been hitherto contained in vague and somewhat uncertain rulings; or rather it laid down the length of possession within the period of limitation, necessary as evidence of a good Zemindaree title. It ruled that for any claimant (not in possession at the date of annexation) to obtain a decree for sub-settlement, he must prove, not only that he had been in possession within the period of limitation, but that he had been in possession *under the superior for a given number of years*—the proportion being laid down generally as not less than one-half of the entire period of limitation, and one year in addition. This rule was held by the Chief Commissioner to be the reduction to a precise form of a principle recognized (although embodied hitherto in vague and indefinite terms) in Oudh, and therefore to be conformable to the law. It was, however, well known that some Judicial Officers in Oudh did not concur in this opinion. These held that wherever a claimant proved that he was the Zemindar, then possession for even a single year within the term of limitation would entitle him to a Sub-settlement: and decisions had actually been given by the Courts upon that basis. Such Officers would not acknowledge an administrative order of the Government, believed by them to be in conflict with the law; in spite of the instruction, they would feel bound to follow the law. And therefore it was absolutely necessary to give legal force to such instruction, if it was to be binding upon the Courts.

If the latter rule to which he (Mr. Muir) had now adverted should appear to bear hardly on the

Zemindars, it must be remembered that, under the Oudh system, these ousted proprietors would still be entitled to hold as property the seer or nankar land which they possessed. This was a peculiar virtue of the Oudh system of settlement, as compared with the systems elsewhere; and to the merit of introducing it, the late Chief Commissioner, Sir C. Wingfield, was entitled. If in any estate belonging to the class of cases referred to, the amount of nanker should, from any cause, be found to be inadequate, then the Chief Commissioner would no doubt take up such cases of hardship under the instructions which His Excellency, in approving the rules, had issued to him. The passage alluded to was as follows:—"While the "Governor General in Council anticipates that the "rules now sanctioned will work equitably for all "parties, it is yet possible that there may be some "classes of cases, not here provided for, in respect "of which this expectation may not reasonably be "fulfilled. Should any such hereafter occur, His "Excellency in Council trusts that you will, in "communication with the Talookdars, be able to "apply a suitable remedy in the spirit of the "present arrangements; and the Governor General "does not doubt that the Talookdars, who have on "this occasion shewn so liberal and conciliatory a "spirit, would again in a like spirit aid you should "such a contingency arise." The Settlement Officers might be trusted to bring forward any cases of hardship of the kind above indicated to the notice of the Chief Commissioner, who, acting on the views of His Excellency, would naturally represent them to the superior landholder; and if he (Mr. Muir) might judge from the fair and liberal spirit evinced by Mahárájá Maun Singh on his late visit to Simla, neither he nor his brother Talookdars would be backward in agreeing to an equitable and suitable redress.

The Hon'ble Mr. Muir then requested the President to suspend the rules for the conduct of business.

In making this request, Mr. Muir said that the correspondence before alluded to, including the rules now embodied in the Schedule to the Bill, was published in the *Gazette of India* in the beginning of September; that is, some six weeks ago. The provisions contained in the Schedule had therefore, for a considerable time, been well known both to the Council and to the public at large. He (Mr. Muir) believed that they had been well received everywhere, and specially by communications from Oudh he understood that they had given satisfaction in that Province. No objection of any kind had been raised. Such being the case;—the measures being of local application, and sufficiently known and approved by all who were likely to give any opinion on the subject; being, moreover, the result of a kind of compromise which Government had ratified, it was of importance that the Bill should be introduced and passed at once, and that the faith of Government should thus be maintained by placing the rules beyond the doubt of any want of legal validity.

The President declared the rules suspended.

The Hon'ble Mr. Muir then moved that the Bill should be taken into consideration.

The Hon'ble Mr. Riddell thought there was no sufficient reason for suspending the rules. A Bill of such importance should be published in the *Gazette*, and every clause should be fully and carefully considered. Moreover as the Bengal Regulation VII. of 1822 was in force in Oudh, he did not see any necessity for the Bill; for, under the provisions of that Regulation, the Governor General in Council and the Revenue authorities were invested with full power to determine the conditions under which persons possessed of subordinate rights in Talookas, should be allowed to obtain a sub-settlement. Section 10 of that Regulation provided that, "of several parties possessing separate heri-"table and transferable properties in any parcel of "land, or in the produce or rent thereof, such pro-"perties consisting of interests of different kinds, "it shall be competent for the Governor General "in Council to determine and direct which of such "parties shall be admitted to engage for the pay-"ment of the Government revenue." And it is further declared that the Governor General in Council is competent in confirming a settlement to determine and prescribe the manner and proportion in which the net rent or profit arising out of the limitation of the Government demand, shall be distributed among the different parties possessing an interest in the land or rents or produce thereof. The following, the second clause of the same section of the Regulation, related more especially to the classes affected by the Bill; it declared in very comprehensive terms that, with the sanction of the Board of Revenue previously obtained, and subject to the orders and directions of that authority, it should be competent to the Collector to make a sub-settlement, or as it was styled, a Mofussil Settlement, with any person having subordinate right in any "Talooka, Zemindaree, or the like." A sub-settlement might be made, not only with persons possessing heritable and transferable property in the estate, but with those who had an hereditary right of occupancy, subject to the payment of fixed rent, or of a rent determined by a fixed principle; and it enacted that a 'pottah' should be granted to each of such under-proprietors or occupants, defining the conditions on which he should hold his land.

The recognition of a right to sub-settlements depended altogether upon Government, and the passing of the present Bill might fairly be regarded as depriving the Governor General in Council of the power in this respect which he had hitherto possessed. Furthermore the agreement with Talookdars in which the Bill originated was two-sided, and in return for their Sub-settlements, the Talookdars were to make certain concessions to their ryots. The Bill proposed to legalize the Sub-settlements, but said nothing whatever as to the corresponding concessions. It was said that Maun Singh and other leading Talookdars would be sure to carry out these concessions if the Bill were passed, and he (Mr. Riddell) had no doubt they would do so. But there were other Talookdars in Oudh besides Maun Singh and his associates, and he (Mr. Riddell) wished to know how *they* would be bound if the Bill were passed in its present form? To sum up his chief objections, he thought,—firstly, that the Bill was unnecessary; secondly, that if necessary, it should be published in the usual way so that all persons concerned might have ample opportunity of considering its provisions; and thirdly, that the defect which he had pointed out should be supplied, and that clauses should be provided, either in the shape of a separate Bill or by way of additions to the proposed enactment, binding the Talookdars to carry out their promises to the ryots.

The Hon'ble Mr. Grey thought that the Hon'ble Mr. Riddell's objection to passing the Bill was inconsistent with his own admission that the Government was at liberty, under Regulation VII of 1822, to pass rules, in its executive capacity, respecting Sub-settlements. So far, then, as under-proprietors were concerned, he (Mr. Grey) thought there could be no objection to the Government passing such rules in its legislative capacity. He did not understand how this could possibly, as Mr. Riddell thought, compromise the power of the Governor General in Council. But the question was, had the Governor General in Council power to make such rules for Oudh? Did the Regulation cited by Mr. Riddell apply to that Province? The general Regulations had certainly not been extended to Oudh. However the case might be, the fact remained that some of the Revenue Officers in that Province exercising judicial powers—amongst others he might mention the Financial Commissioner—entertained grave doubts as to whether the rules regarding Sub-settlements embodied in the Bill were legally valid, although they had received the sanction of the Governor General in Council. The necessity of legalizing these rules was therefore undeniable.

As to suspending the rules, and passing the Bill at once, there could, he thought, be no reasonable objection. The Bill, if passed, would merely confirm what the Government had ruled in its executive capacity, and what the Government was bound to do in fulfilment of the obligations which it had entered into with the Talookdars in 1858. There could be no possible use in opening a discussion which had been closed, and giving the opportunity for again raising difficult questions which had long since been settled satisfactorily.

Mr. Muir wished to add a few observations on the objections taken to the Bill by the Hon'ble Mr. Riddell. In the first place, his Hon'ble friend had urged that the Bill was unnecessary, because the powers it conferred on the Revenue Courts, were already possessed by the Governor General in Council in his executive capacity. It did not materially affect this question, whether the law referred to (Regulation VII of 1822) was in force in Oudh or not. He (Mr. Muir) believed that it had been introduced into Oudh by Lord Dalhousie in February 1856, along with the rest of the Revenue law then in force in the North-Western Provinces and the Punjab; and that it was still in force in Oudh, excepting in so far as it had been modified by the Talookdaree system subsequently by due authority prescribed. But it appeared to him that his Hon'ble friend had confounded two distinct things, namely, on the one hand, the power of Government to determine as between the Talookdar and Sub-proprietor, which of the two parties should be admitted to direct engagements with the Government; and, on the other, the power of the Courts to determine whether a sub-proprietary title existed at all. In respect of the former, the Government did undoubtedly possess the authority stated by Mr. Riddell; and it had already, in virtue of that authority, determined that, in all cases, the engagement with Government should be held by the Talookdar in the first instance—the sub-proprietor holding on a sub-lease from the Talookdar. But this was an entirely distinct matter from the legal power possessed by the Courts of determining, as between the Talookdar and claimant of sub-proprietary rights, whether the latter did possess those rights. The Government had agreed that such rights would be recognized only under certain circumstances, and when a certain length of possession had been established. Now there was nothing in the law, as construed by certain of the Judicial authorities, to prevent the Courts from decreeing the sub-proprietary right on a prescription less than that laid down in the Government rule,—that is, on conditions different from those agreed to by the Government. In such event, the Talookdars would justly regard the stipulation as broken. It was of the first consequence to maintain the faith of Government inviolate. And for this purpose it was indispensable that the rules should be invested with the force of law.

On the second objection, that measures of such serious moment should not be finally passed without further deliberation, he (Mr. Muir) had already stated the reasons why he had proposed this step. Besides having been made public for some weeks, these measures had been the result of long and anxious deliberation. The subject involved many perplexed questions of great difficulty, and was embarrassed by pledges from time to time given by the Government to the Talookdars. The present arrangement afforded a solution of the difficulties, which, under the peculiar circumstances, was, he believed, the most satisfactory that could be arrived at. And as the Government had pledged itself to its fulfilment, it was of the highest importance that there should be no doubt left, for a moment longer than was necessary, as to the legal force of the rules; or that any possibility should exist of decisions being given by the Courts at variance with the principles they laid down. He therefore thought that the Council was fully justified, there being no doubt as to the equitable character of the rules themselves, in proceeding at once to remove all questions as to their legal validity.

The last objection adduced by Mr. Riddell was, that the Bill related to only one part of the arrangements lately concluded, and that if the rules for sub-proprietary rights were passed into law, so also should that portion of the rules which related to cultivating rights. As he (Mr. Muir) had been in correspondence with the Chief Commissioner on the subject, he would mention in explanation, that it was, at the present moment, only in respect of the sub-proprietary rules, that immediate necessity for legislation existed. It was understood that the Courts would have no scruples in carrying into effect to the letter the rules relating to non-proprietary cultivators. No doubt legislation might eventually be found necessary in this respect also. But the subject was a large and difficult one involving other considerations; and the Chief Commissioner was not prepared at the present time to recommend a legislative measure which should embrace all the points involved. All that was in the meantime required was to see that the arrangements agreed to on the late occasion were fully acted up to. And he (Mr. Muir) could assure his Hon'ble friend that the Chief Commissioner would carefully watch that this was the case: and if at any time it was found that the rules were in any respect not acted up to by the Courts in consequence of doubts as to their legal force, then the Chief Commissioner would lose no time in asking for the necessary sanction from the Legislature. In this respect, his Hon'ble friend might be satisfied that the honor of

Government was in safe keeping in Mr. Strachey's hands.

His Excellency the President observed that it had been a moot point originally, that is, after the arrangement between himself and Mr. Strachey, whether or not legislation was necessary. Some of the Members of the Council were doubtful as to the necessity, and it was decided, after discussing the matter with the Chief Commissioner, that on his return to Oudh, he should reconsider the matter in consultation with the Financial Commissioner and send the Government his final opinion on the question. Mr. Strachey accordingly returned to Oudh, and after consulting the Financial Commissioner, wrote up to say that both he and Mr. Davies concurred in thinking legislation absolutely necessary. He also expressed his desire that legislation should be limited to validating the rules which he had prepared regarding Sub-settlements and other subordinate rights of property, and that the question of the rights of the ryots should be left to be solved when it arose in practice.

When Mr.. Riddell objected to suspending the rules for the conduct of business, and maintained that more time should be given for considering the proposed measure, His Excellency thought that Mr. Riddell forgot that the Talookdars had been fully represented at the discussions which resulted in framing the measures embodied in the proposed enactment. Maun Singh and other Talookdars whom the proprietors of Oudh had chosen to represent them, came up to Simla with the Chief Commissioner. They were present at the discussions at which every point was gone into (His Excellency might say) with the utmost care, and all signified their concurrence in the rules published in the *Gazette* and embodied in the Bill now before the Council. After returning to Oudh and reconsidering the whole matter, Maun Singh and his co-representatives said that they were fully prepared to abide by the rules in the Bill. The Government proposed modifications in the rules as originally drafted by the Chief Commissioner, and these modifications were quite agreed to by the Talookdars. On the other hand Maun Singh and his co-representatives also proposed modifications, to which the Government likewise assented. His Excellency mentioned this to show that the matter had not been hastily transacted on the part of the Talookdars, but that they had fully entered into the consideration of the rules now before the Council.

As to whether Regulation VII of 1822 extended to Oudh, His Excellency admitted that it was a moot point; but His Excellency thought that the spirit of the Regulation was intended to apply to Oudh. That opinion, however, had been controverted with ability and force by Sir C. Wingfield, the late Chief Commissioner. It could not be denied that the policy adopted by Lord Canning and embodied in the Sunnuds granted to the Talookdars had had the effect of modifying the laws previously in force in Oudh.

If the rules embodied in the Bill did not expressly receive the force of law, it would be open to any Judge before whom cases arising under them should be brought—cases, His Excellency might observe, which were very intricate and often bitterly contested by rival interests—to consider whether all or any of these rules were or were not legal. This would doubtless result in conflicting decisions—a great evil—for it might lead the people of Oudh to think that the intentions of the Government had been insincere. It was hard for an ignorant population to distinguish between the acts of an officer in his judicial and his fiscal capacity, and the mere suspicion, however unreasonable, that a breach of faith had been committed or was intended by the Government was a serious evil, and one which doubtless had influenced Mr. Strachey and Mr. Davies in recommending that the Bill should be passed.

On the whole, therefore, His Excellency thought it better that the question as to Sub-settlements should be decided legislatively. As to legislating at present with respect to the rights of occupying tenants, His Excellency thought that the answer of Mr. Muir was conclusive. The Government believed that the Talookdars would act in good faith towards the ryots, and if any difficulty should arise, we could then resort to legislation. The great argument in favour of the Talookdars was that, although they had always denied the existence of rights of occupancy in Oudh, and though their Sunnuds were silent as to such rights, they were willing to grant certain privileges to the class of ancient proprietors of the soil who, although they had lost all proprietary right, still occupied as cultivators land in their ancestral villages. The ready assent which the Talookdars had given to the proposed measures as to the Sub-settlement also justified the expectation that they would carry out in its entirety the scheme now proposed to be legalized.

The Hon'ble Mr. Maine said that, on the technical point, he agreed with Mr. Riddell that the Bill was not necessary. But when any doubt arose whether a particular measure required legislation, or was within the competence of the executive, it was the invariable practice (he might appeal to his Right Honourable friend Mr. Massey as to the practice in the House of Commons) to give the preference to legislation. In the present instance, the Bill was intended to set at rest certain not very substantial doubts which had been raised respecting the executive capacity of the Governor General in Council.

The Hon'ble Mr. Riddell desired to say that the arguments used in the course of the discussion had altogether removed his objections to the immediate passing of the Bill.

The motion was put and agreed to.

The Hon'ble Mr. Muir then moved that the Bill be passed.

The Hon'ble Mr. Maine moved as amendments that the word "administration" should be substituted for the word "government" in the Preamble and in Section 1, and that the word "is" should be substituted for "shall be" in Section 2, line 3. The latter amendment would improve the wording of the section. The former was rendered necessary by the fact that the Local Government of Oudh was the Governor General in Council—the Chief Commissioner being only charged with the administration of that Province.

The motion was put and agreed to.

The Hon'ble Mr. Muir then moved that the Bill as amended be passed.

The motion was put and agreed to.

THE TRUSTEES AND MORTGAGEES' POWERS' BILL.

THE MORTGAGEES AND TRUSTEES' PROPERTY BILL.

THE STRAITS SETTLEMENT COURTS OF REQUESTS BILL.

The Hon'ble Mr. Maine presented the Report of the Select Committee on the Bill "to give to Trustees, Mortgagees and others, in cases to which English law is applicable, certain powers now commonly inserted in Settlements, Mortgagees and Wills, and to amend the law of property and relieve Trustees."

He also presented the Report of the Select Committee on the Bill "to consolidate and amend the law relating to the conveyance and transfer of property in British India vested in Mortgagees and Trustees, in cases to which English law is applicable."

He also presented the Report of the Select Committee on the Bill "to enlarge the jurisdiction of the Courts of Requests in the Settlement of Prince of Wales' Island, Singapore and Malacca."

THE STRAITS SETTLEMENT ABKARI BILL.

The Right Hon'ble Mr. Massey in introducing the Bill "for amending the laws for collecting a Revenue of Excise on Spirituous Liquors and Intoxicating Drugs in the Settlement of Prince of Wales' Island, Singapore and Malacca," said that this Bill repealed the existing Abkári Law in the Straits Settlement, which had been found ineffective for the purposes of revenue, but substantially re-enacted that law with the amendments which experience had shewn to be necessary. No new taxation was proposed, and no question of policy was involved. The Bill was introduced at the instance of the Local Government by whom it had been carefully framed. The Statement of Objects and Reasons which had been published thrice in the *Gazette*, shewed with considerable minuteness the changes in the law which the Bill if enacted would effect. It was therefore not necessary to enter into the details of the proposed measure, nor, under the circumstances, did he desire to refer it to a Select Committee. Since the publication of the Bill, an Act had been passed by the British Parliament removing the Straits Settlement from the Government of India. But the transfer was not to come into operation until the 1st of January 1867. The legislative powers of the Council would therefore remain in force as to the Settlement, down to the end of the present year; and as the Local Government was anxious that the Bill should become law as soon as possible, he proposed that the Bill should be passed on the next day of meeting.

The Council then adjourned to the 24th October 1866.

WHITLEY STOKES,
Asstt. Secy. to the Govt. of India,
Home Department (Legislative.)

SIMLA,
The 10th October 1866.

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SIMLA, SATURDAY, OCTOBER 27, 1866.

HOME DEPARTMENT.

LEGISLATIVE.

Simla, the 26th September 1866.

The following Bill and Statement of Objects and Reasons accompanying it, are published for general information by order of His Excellency the Governor General, under the 19th of the Rules for the conduct of Business at Meetings of the Council of the Governor General of India for the purposes of making Laws and Regulations:—

A Bill to extend the Indian Succession Act, 1865, *to the Straits Settlement.*

Preamble.

Whereas it is expedient to extend with certain modifications the Indian Succession Act, 1865, to the Settlement of Prince of Wales' Island, Singapore and Malacca; It is hereby enacted as follows:—

Repeal of Act XX of 1837, Section 1. Indian Succession Act to apply to Straits Settlement from 1st February 1867.

1. From and after the first day of February 1867, the first section of Act No. XX of 1837 shall be repealed; and the provisions of the Indian Succession Act, 1865, shall, with the modifications hereinafter mentioned, apply to and be in force throughout the said Settlement, as if the words "other than the Settlement of Prince of Wales' Island, Singapore and Malacca," had been omitted in the definition of British India contained in Section 3 of the same Act, and as if Part XXXI and Sections 330 and 331 of such Act had also been omitted.

Jurisdiction of Supreme Court in granting and revoking probates and letters of administration.

2. The Supreme Court of the said Settlement shall have jurisdiction in granting and revoking probates and letters of administration in all cases within the said Settlement, and the procedure in the exercise of such jurisdiction shall be regulated by the provisions relating to intestate and testamentary jurisdiction contained in Her Majesty's Letters Patent now applying to the said Court, and by such rules (if any) supplementary thereto, as may from time to time be made by such Court consistently with the provisions of the Indian Succession Act, 1865. The said Court is hereby empowered to make such rules, and from time to time to vary and add to the same.

Adopted sons to be deemed legitimate children of adoptive fathers.

3. The adopted son of any person in the said Settlement, whose personal law permits the adoption of a son, shall, for the purposes of Intestate and Testamentary succession, be considered as a legitimate child of his adoptive and not of his natural father.

Will not revoked by polygamist's marriage.

4. In the case of any person in the said Settlement, whose marriage-law permits a plurality of wives, his will shall not be revoked by his marriage, anything contained in the said Act to the contrary notwithstanding. In the case of any such person who dies intestate leaving two or more widows, the property which, under the terms of the Indian Succession Act, 1865, Sections 26 and 27, would belong to his widow if he had left only one widow, shall belong to his widows in equal shares; and letters of administration of his estate shall, unless the Court see cause to exclude the widows either on the ground of some personal disqualification, such as minority, incontinence, adultery or lunacy, or because they have no interest in the estate of the deceased, be granted to all his widows jointly, or to such one of them as the Court shall think fit; and the Judge may associate with the widows or widow in the administration, any person or persons who would be entitled solely thereto if there were no widow.

Provision for case of plurality of widows.

Provisions of Succession Act not to apply in the Straits to wills or intestacies before 1st February 1867.

Section 4 of Succession Act not to apply to marriages before 1st February 1867.

5. The provisions of the Indian Succession Act, 1865, shall not, in the said Settlement, apply to any will made or any intestacy occurring before the said first day of February 1867. Nor shall the fourth section of the same Act apply, in the said Settlement, to any marriage contracted before the same day.

Two Rupees to be equivalent to one Dollar.

6. In construing the Indian Succession Act, 1865, two Rupees shall be deemed equivalent to a Dollar.

This Act to be read with Indian Succession Act.

7. This Act shall be read with and taken as part of the Indian Succession Act, 1865.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to extend the Indian Succession Act, 1865, to the Straits Settlement. It was prepared at the suggestion of the Local Government, who, in reply to the Circular dated the 22nd August 1865, and printed in the *Gazette* of the 18th November 1865, expressed an opinion that the whole Act might with advantage be made the *lex loci* and brought into operation without any distinction as to race or creed. It may be remarked that, since the first of February 1839, the Indian Wills Act (No. XXV of 1838) has applied to all classes of the inhabitants of the Settlement—Malays, Hindús, Chinese, as well as English—and has, according to the Local Government, been found to work well.

As the Succession Act, if thus extended, will affect certain classes whose law of persons allows adoption, the Bill declares that, for the purposes of succession, an adopted son shall be considered a legitimate child of his adoptive father. In the case of any person whose marriage-law permits a plurality of wives, his marriage is not to revoke his will. Provision has also been made for the case of a polygamist dying intestate and leaving several widows.

As the Code of Civil Procedure is not in force in the Straits, and as there are no District Judges in that Settlement, it has been necessary to omit Part XXXI of the Succession Act.

The non-existence of the office of Administrator General in the Straits has rendered it necessary to omit Section 330 of the Act.

Act XX of 1837, Section 1, which the present Bill proposes to repeal, enacts that immoveable property in the Straits Settlement shall, for the purposes of intestate and testamentary succession, be regarded as of the nature of chattels real and not of freehold.

SIMLA,
The 10th July 1866.

H. S. MAINE.

WHITLEY STOKES,
Asstt. Secy. to the Govt. of India, Home Dept. (Legislative.)

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 12th October 1866, and is hereby promulgated for general information :—

ACT No. XXVI OF 1866.

To legalize the rules made by the Chief Commissioner of Oudh for the better determination of certain claims of subordinate proprietors in that Province.

Preamble.

Whereas rules have been made by the Chief Commissioner of Oudh for the better determination of certain claims by persons possessed of subordinate rights of property in the territories subject to his administration; and whereas it is expedient that such rules should have the force of law; It is hereby enacted as follows :—

Rules as to sub-settlements contained in the schedule to have the force of law.

1. The rules for determining the conditions under which persons possessed of subordinate rights of property in Talookas in the territories subject to the administration of the Chief Commissioner of Oudh shall be entitled to obtain a sub-settlement of lands, villages, or sub-divisions thereof, which they held under Talookdars on or before the thirteenth day of February 1856, and for determining the amounts payable to the Talookdar by such subordinate proprietors, which rules were made by the said Chief Commissioner, sanctioned by the Governor General of India in Council, and published in the *Gazette of India* for September 1st, 1866, and which are re-published in the schedule to this Act, are hereby declared to have the force of law.

Repeal of inconsistent rules.

2. So much of any Act, Regulation or Rule, having the force of law which is in operation in the said territories as shall be inconsistent with or repugnant to the rules hereby legalized, shall cease to have effect in such territories.

Short title.

3. This Act may be called "the Oudh Sub-settlement Act, 1866."

SCHEDULE.

Rules regarding sub-settlements and other subordinate rights of property in Oudh.

1. The extension of the term of limitation for the hearing of claims to under-proprietary rights in land, makes of itself no alteration in the principles hitherto observed in the recognition of a right to sub-settlement.

2. When no rights are proved to have been exercised or enjoyed by an under-proprietor during the period of limitation, beyond the possession of certain lands as *seer* or *nankar*, no sub-settlement can be made; but the claimant will be entitled, in accordance with the rules contained in the Circular Orders which have hitherto been in force in Oudh upon this subject, to the recognition of a proprietary right in such land. To entitle a claimant to obtain a sub-settlement, he must show that he possesses an under-proprietary right in the lands of which the sub-settlement is claimed, and that such right has been kept alive, over the whole area claimed within the period of limitation. He must also show that he, either by himself or by some other person or persons from whom he has inherited, has, by virtue of his under-proprietary right, and not merely through privilege granted on account of service, or by favour of the Talookdar held such lands under contract (*pucka*), with some degree of continuousness, since the village came into the talooka.

3. The words "some degree of continuousness" will be interpreted as follows :—

If the village was included in the talooka before the 13th February 1836, the lease must have been held for not less than twelve years between that date and the annexation of the province. If the

village was included in the talooka after the 13th February 1836, but before the 13th February 1844, the lease must have been held for not less than one year more than half the period between the time in which the village was so included and the annexation of the province. Further, the lease must, in all cases, have been held for not less than seven years during the term of limitation, unless the village was included for the first time in the talooka after the 13th February 1844, in which case the lease must have been held for not less than one year more than half of the period between the time in which the village was so included and the annexation of the province: Provided, that if, for any reason, the Talookdar was, for any period, dispossessed of the village, and the under-proprietor was dispossessed from the lease during the same period, the term of such dispossession shall not be reckoned against the under-proprietor: Provided also, that nothing in this rule will apply to any village which was included for the first time in the talooka after the 13th February 1844, and in which the under-proprietor has held no lease for any period under the Talookdar.

4. If an under-proprietor, who is entitled to a sub-settlement, can show by documentary evidence that he had entered into an agreement with the Talookdar that he should hold, in perpetuity, the lease of the lands to the sub-settlement of which he is entitled, at a uniform *(istimraree)* rate of payment, and that such agreement has been acted on within the period of limitation, he will not be liable to payment at an increased rate during the currency of the present or revised settlement. If, in consequence of any future re-adjustment of the Government demand, the former proportion between the respective shares of the profits derived from the land by the under-proprietor and the Talookdar should be altered, the amount payable by the under-proprietor to the Talookdar will be liable to re-adjustment, so that the proportion between their respective shares of the profits may remain unaltered.

5. If an under-proprietor, entitled to sub-settlement, can show by documentary evidence that he had entered into an agreement with the Talookdar that he should hold the lease of the lands to the sub-settlement of which he is entitled, on payment of the Government demand imposed before the annexation of the province on such lands, with the addition only of certain dues to the Talookdar or other charges, and such agreement has been acted upon within the period of limitation, such under-proprietor will in future be liable only for the payment to the Talookdar of the Government demand for the time being, with the addition of 10 per cent. in lieu of Talookdaree dues and other charges.

6. If an under-proprietor, entitled to sub-settlement, has held the lease of the lands to the sub-settlement of which he is entitled, under an agreement that he shall pay to the Talookdar a certain share or proportion of the profits or produce of such lands, and such agreement has been acted upon within the term of limitation, the under-proprietor will in future continue to be liable for the payment to the Talookdar of such share or proportion.

7. In all cases in which an under-proprietor is entitled to a sub-settlement other than those described in Rules 4 to 6, the amount payable by the under-proprietor to the Talookdar will be determined according to the following principles:—

1*st.*—The payments made by the under-proprietor to the Talookdar before annexation, will form the standard by which the present payments are to be regulated.

2*nd.*—In no case can the amount payable by the under-proprietor to the Talookdar, during the currency of the settlement, exceed the gross rental of the village, less 10 per cent. in *seer* or *nankar* land.

3*rd.*—In no case can the amount payable during the currency of the settlement by the under-proprietor to the Talookdar, be less than the amount of the revised Government demand, with the addition of 10 per cent.

4*th.*—If the gross rental of the village before annexation and at the present time be approximately the same, the under-proprietor will pay to the Talookdar the same amount which he paid before annexation.

5*th.*—If the present gross rental of the village exceed or fall short of the former gross rental, the payment of the under-proprietor to the Talookdar will be adjusted according to the following rule, *viz.*, as the former gross rental is to the former payment of the under-proprietor, so is the present gross rental to the present payment of the under-proprietor.

6*th.*—In determining the amount payable by the under-proprietor to the Talookdar under the two last preceding rules, the former gross rental and the former payment of the under-proprietor will be held to be the average amount of the gross rental, and the average amount of the former payments of the under-proprietor for the 12 years preceding annexation, or for such portion of that time as the under-proprietor held a lease of the village from the Talookdar, or for such portion of that time as the necessary information may be obtained.

8. In any case in which the clear share of the profit to which the under-proprietor is entitled under the rules contained in the last preceding paragraph does not exceed 12 per cent. of the gross rental, no sub-settlement shall be made. In this case, the under-proprietor will retain all *seer* and *nankar* land to which his right is established. If the profits derived from such land be less than one-tenth of the whole rental of the land to the sub-settlement of which the right was established, the Talookdar shall increase the amount of such land so that the total profit to the under-proprietor shall not fall below one-tenth of the gross rental. The under-proprietor will possess, in the whole of such land, a transferable and heritable right of property.

9. In any case in which an under-proprietor is entitled to a sub-settlement under the preceding rules, and in which the share of the gross rental which such under-proprietor is entitled to receive exceeds 12 per cent., but falls short of 25 per cent., such share will be increased so that it shall not be less than 25 per cent. of the gross rental. The cost of such increase will be borne half by the Government and half by the Talookdar. In this case, the cesses on account of roads, schools, &c., amounting to 2½ per cent. on the Government demand, will be payable by the Talookdar, while the village expenses, including the allowances to

the Putwaree and Chowkeedar, will be payable by the under-proprietor.

10. When a former proprietor, who is not entitled to a sub-settlement, has retained within the period of limitation, either by himself or by some other person or persons from whom he has inherited, possession of land which by virtue of his proprietary right he held as *seer* or *nankar* when he was in proprietary possession, he will be deemed in respect of such land to be an under-proprietor, and will possess a heritable and transferable right of property therein, subject to the payment of such amount as may be due by him to the superior proprietor.

11. If, in any case, the founder of a *Poorwa* or hamlet, who is unable to establish a right to sub-settlement, can show that, in consideration of having founded such *Poorwa* or hamlet, he has held therein, within the period of limitation, possession of *seer* or *nankar* land, he will be recognised as an under-proprietor in such land, subject to the payment of such amount as may be due by him to the Talookdar. The amount of such payment will be determined according to the rules for determining the amount of the payments due by other under-proprietors on their *seer* or *nankar* lands.

12. Claims to proprietary and under-proprietary rights in jagheers will be treated according to the same rules which are applicable to similar claims in Talookas.

13. Cases in which claims to under-proprietary rights have been disposed of otherwise than in accordance with these rules will be open to revision, but this rule will not apply to cases disposed of by arbitration or by agreement of the parties.

SIMLA, *The 20th August* 1866. } J. STRACHEY, *Chief Commr. of Oudh.*

WHITLEY STOKES,
Asstt. Secy. to the Govt. of India, Home Dept. (Legislative).

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 24th October 1866, and is hereby promulgated for general information:—

ACT No. XXVII OF 1866.

To consolidate and amend the Law relating to the conveyance and transfer of property in British India vested in Mortgagees and Trustees, in cases to which English Law is applicable.

Preamble.

Whereas it is expedient to consolidate and amend the laws relating to the conveyance and transfer of moveable and immoveable property in British India vested in Mortgagees and Trustees, in cases to which English law is applicable; It is hereby enacted as follows:—

Act repealed.

1. Section 3 of Act XXIV of 1841 *(for the greater uniformity of the Law administered by Her Majesty's Supreme Courts with that administered in England, in regard to the undisposed residue of the effects of Testators; Illusory Appointments; the transfer of Estates by persons under disabilities pursuant to the direction of Courts, and the better management of the property of such persons, and other like matters)*, and so much of Act XIV of 1852 *(for extending the provisions of Acts XXIV of* 1841 *and XVII of* 1843 *to the Straits Settlement)*, as extends the provisions of the said section to the Settlement of Prince of Wales' Island, Singapore and Malacca, are hereby repealed: Provided that all proceedings under the said section or Act commenced before this Act comes into operation, may be proceeded with under the said section or Act or according to the provisions of this Act, as shall be thought expedient by the person by whom they were commenced.

Interpretation.

2. In this Act, unless there be something repugnant in the subject or context—

"Immoveable property."

"Immoveable property" shall extend to and include messuages, tenements, and hereditaments, corporeal and incorporeal, of every tenure or description, whatever may be the estate or interest therein:

"Stock."

"Stock" shall mean any fund, annuity or security transferable in books kept by any Company or Society established or to be established, or transferable by Deed alone, or by Deed accompanied by other formalities, and any share or interest therein. It shall also include shares in ships registered under the Merchant Shipping Act, 1854, or at any port in British India:

"Hold" and "holding."

"Hold" and "holding" shall be applicable to any vested estate, whether for life or of a greater or less description, in possession, futurity or expectancy, in any immoveable property:

"Contingent right."

"Contingent right" as applied to immoveable property shall mean a contingent or executory interest, or possibility coupled with an interest, whether the object of the gift or limitation of such interest or possibility be or be not ascertained; also a right of entry, whether immediate or future, and whether vested or contingent:

"Convey." "Conveyance."

"Convey" and "Conveyance" applied to any person, shall mean the execution by such person of every necessary or suitable assurance for conveying or disposing to another immoveable property which such person holds, or in which he is entitled to a contingent right either for the whole estate of the person conveying or disposing, or for any less estate, together with the performance of all formalities required by law to the validity of such conveyance, including the acts to be performed by married women and tenants in tail in accordance with the provisions of Act XXXI of 1854 *(to abolish real actions and also fines and common recoveries, and to simplify the modes of conveying land in cases to which the English Law is applicable)*:

"Transfer."

"Transfer" shall mean the execution and performance of every deed and act by which a person entitled to stock or Government securities can transfer such stock or Government securities from himself to another:

"High Court." "High Court" shall mean every Court now or hereafter established under the Statute 24 and 25 Vic., Cap. 104, and also the Chief Court of the Punjab, or such one or more Judges of the said Courts respectively as shall be appointed by the Chief Justice or the Senior Judge, as the case may be, to entertain applications and make orders under this Act:

"Trust." "Trustee." "Trust" shall not mean the duties incident to an estate conveyed by way of mortgage; but with this exception, the words "Trust" and "Trustee" shall extend to and include implied and constructive trusts, and shall extend to and include cases where the Trustee has some beneficial estate or interest in the subject of the trust, and shall extend to and include the duties incident to the office of Executor or Administrator of a deceased person:

"Lunatic." "Lunatic" shall mean any person who shall have been found by due course of law to be of unsound mind and incapable of managing his affairs:

"Person of unsound mind." "Person of unsound mind" shall mean any person not a minor who, not having been found to be a lunatic, shall be incapable from infirmity of mind to manage his own affairs:

"Heir" and "Devisee." In the case of a will made or an intestacy occurring before the first day of January 1866, "heir" shall mean the person claiming an interest in the immoveable property of a deceased person under the laws concerning descent applicable to such property: and "devisee" shall, in addition to its ordinary signification, mean the heir of a devisee and the devisee of an heir, and generally any person claiming an interest in the immoveable property of a deceased person, not as heir of such deceased person, but by a title dependent solely upon the operation of the laws concerning devise and descent:

In the case of a will made or an intestacy occurring on or after the first day of January 1866, "heir" shall mean any person claiming an interest in the immoveable property of a deceased person under the rules for the distribution of an intestate's estate; and "devisee" shall mean any person taking immoveable property under a bequest, and any person, other than an executor or administrator, claiming an interest in immoveable property, not as entitled thereto under the said rules, but by a title dependent solely upon the operation of the laws concerning intestate and testamentary succession:

"Mortgage." "Mortgage" shall be applicable to every estate or interest in immoveable or moveable property which would in the High Court be deemed merely a security for money:

"Person." "Person" shall include any Company or association, or body of persons whether incorporated or not:

Number. Words importing the singular number only shall extend to several persons or things; words importing the plural number shall apply to one person or thing;

Gender. words importing the masculine gender shall extend to a female.

The High Court to have jurisdiction in what cases. 3. The powers and authorities given by this Act to the High Courts shall and may be exercised only in cases to which English law is applicable, and may be exercised with respect to property within the local limits of the extraordinary original civil jurisdiction of the said Courts respectively.

High Court may convey estates of lunatic Trustees and Mortgagees; 4. When any lunatic or person of unsound mind shall hold any immoveable property upon any trust or by way of mortgage, it shall be lawful for the High Court to make an order that such property be vested in such person or persons in such manner and for such estate as the said Court shall direct; and the order shall have the same effect as if the Trustee or Mortgagee had been sane, and had duly executed a conveyance of the property in the same manner for the same estate.

And may convey contingent rights. 5. When any lunatic or person of unsound mind shall be entitled to any contingent right in any immoveable property upon any trust or by way of mortgage, it shall be lawful for the High Court to make an order wholly releasing such property from such contingent right, or disposing of the same to such person or persons as the said High Court shall direct; and the order shall have the same effect as if the Trustee or Mortgagee had been sane and had duly executed a deed so releasing or disposing of the contingent right.

High Court may transfer stock or Government securities of lunatic Trustees and Mortgagees. 6. When any lunatic or person of unsound mind shall be solely entitled to any stock or Government securities, or to any thing in action upon any trust or by way of mortgage, it shall be lawful for the High Court to make an order vesting in any person or persons the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for and recover such thing in action, or any interest in respect thereof: and when any person or persons shall be entitled jointly with any lunatic or person of unsound mind to any stock or Government securities or thing in action upon any trust or by way of mortgage, it shall be lawful for the said Court to make an order vesting the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for and recover such thing in action or any interest in respect thereof, either in such person or persons so jointly entitled as aforesaid, or in such last-mentioned person or persons together with any other person or persons the said High Court may appoint.

Power to transfer stock or Government securities of deceased persons. 7. When any stock or Government securities shall be standing in the name of any deceased person whose executor or administrator is a lunatic or person of unsound mind, or when any thing in action shall be vested in any lunatic or person of unsound mind as the executor or administrator of a deceased person, it shall be lawfull for the High Court to make an order vesting the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for and recover such thing in action or any interest in respect thereof,

in any person or persons the said Court may appoint.

High Court may convey estates of minor Trustees and Mortgagees.

8. Where any minor shall hold any immoveable property upon any trust or by way of mortgage, it shall be lawful for the High Court to make an order vesting such property in such person or persons in such manner and for such estate as the said Court shall direct: and the order shall have the same effect as if the minor Trustee or Mortgagee had attained his majority, and had duly executed a conveyance of the property in the same manner for the same estate.

Contingent rights of minor Trustees and Mortgagees.

9. Where any minor shall be entitled to any contingent right in any immoveable property upon any trust or by way of mortgage, it shall be lawful for the High Court to make an order wholly releasing such property from such contingent right, or disposing of the same to such person or persons as the said Court shall direct; and the order shall have the same effect as if the minor had attained his majority, and had duly executed a deed so releasing or disposing of the contingent right.

High Court may convey the estate of a Trustee out of the jurisdiction of the Court.

10. When any person solely holding any immoveable property upon any trust shall be out of the jurisdiction of the High Court, or cannot be found, it shall be lawful for the said Court to make an order vesting such property in such person or persons in such manner and for such estate as the said Court shall direct, and the order shall have the same effect as if the Trustee had duly executed a conveyance of the property in the same manner and for the same estate.

High Court may make order in cases where persons hold immoveable property in trust jointly with persons out of jurisdiction of Court, &c.

11. When any person or persons shall hold any immoveable property in trust jointly with a person not within the jurisdiction of the High Court, or who cannot be found, it shall be lawful for the said Court to make an order vesting the property in the person or persons so jointly holding or in such last-mentioned person or persons, together with any other person or persons in such manner and for such estate as the said Court shall direct; and the order shall have the same effect as if the Trustee out of the jurisdiction, or who cannot be found, had duly executed a conveyance of the property in the same manner for the same estate.

Contingent rights of Trustees.

12. When any person solely entitled to a contingent right in any immoveable property upon any trust shall be out of the jurisdiction of the High Court, or cannot be found, it shall be lawful for the said Court to make an order wholly releasing such property from such contingent right, or disposing of the same to such person or persons as the said Court shall direct; and the order shall have the same effect as if the Trustee had duly executed a conveyance so releasing or disposing of the contingent right.

High Court may make order in cases where persons are jointly entitled with others out of the jurisdiction of the Court to a contingent right in immoveable property.

13. When any person jointly entitled with any other person or persons to a contingent right in any immoveable property upon any trust shall be out of the jurisdiction of the High Court, or cannot be found, it shall be lawful for the said Court to make an order disposing of the contingent right of the person out of the jurisdiction, or who cannot be found, to the person or persons so jointly entitled as aforesaid or to such last-mentioned person or persons, together with any other person or persons; and the order shall have the same effect as if the Trustee out of the jurisdiction, or who cannot be found, had duly executed a conveyance so releasing or disposing of the contingent right.

When it is uncertain which of several Trustees was the survivor.

14. Where there shall have been two or more persons jointly holding any immoveable property upon any trust, and it shall be uncertain which of such Trustees was the survivor, it shall be lawful for the High Court to make an order vesting such property in such person or persons, in such manner and for such estate as the said Court shall direct; and the order shall have the same effect as if the survivor of such Trustees had duly executed a conveyance of the property in the same manner for the same estate.

When it is uncertain whether the last Trustee be living or dead.

15. Where any one or more person or persons shall have held any immoveable property upon any trust, and it shall not be known, as to the Trustee last known to have held such property, whether he be living or dead, it shall be lawful for the High Court to make an order vesting such property in such person or persons in such manner and for such estate as the said Court shall direct; and the order shall have the same effect as if the last Trustee had duly executed a conveyance of the property in the same manner for the same estate.

When Trustee dies without an heir.

16. When any person holding any immoveable property upon any trust shall have died intestate as to such property without an heir, or shall have died, and it shall not be known who is his heir or devisee, it shall be lawful for the High Court to make an order vesting such property in such person or persons in such manner and for such estate as the said Court shall direct; and the order shall have the same effect as if the heir or devisee of such Trustee had duly executed a conveyance of the property in the same manner for the same estate.

Contingent right of unborn Trustee.

17. When any immoveable property is subject to a contingent right in an unborn person, or class of unborn persons who, upon coming into existence, would in respect thereof hold such property upon any trust, it shall be lawful for the High Court to make an order which shall wholly release and discharge such property from such contingent right in such unborn person or class of unborn persons, or to make an order which shall vest in any person or persons the estate or estates which such unborn person or class of unborn persons would, upon coming into existence, hold in such property.

Power to make an order for vesting the estate on refusal or neglect of a Trustee to convey or release.

18. In every case where any person holds or shall hold jointly or solely any immoveable property, or is or shall be entitled to a contingent right therein upon any trust, and a demand shall have been made upon such Trustee by a person entitled to require a conveyance of such property, or a duly authorized agent of such last-mentioned person, requiring such Trustee to convey the same, or to release such contingent right, it shall be lawful for the High Court, if the said Court shall be satisfied that such Trustee has wilfully refused or neglected to convey the said property for the space of twenty-eight days after such demand, to make an order vesting such property in such person or persons, in such manner and for such estate as the Court shall direct, or releasing such contingent right in such manner as the Court shall direct; and the said order shall have the same effect as if the Trustee had duly executed a conveyance of the property, or a release of such right, in the same manner and for the same estate.

Power to convey in place of Mortgagee.

19. When any person to whom any immoveable property has been conveyed by way of mortgage, shall have died without having entered into the possession or into the receipt of the rents and profits thereof, and the money due in respect of such mortgage shall have been paid to a person entitled to receive the same, or such last-mentioned person shall consent to an order for the re-conveyance or vesting of such property, then in any of the following cases, it shall be lawful for the High Court to make an order vesting such property in such person or persons in such manner and for such estate as the said Court shall direct, that is to say,—

When an heir or devisee of such Mortgagee shall be out of the jurisdiction of the High Court, or cannot be found:

When an heir or devisee of such Mortgagee shall, upon a demand by a person entitled to require a conveyance of such property, or a duly authorized agent of such last-mentioned person, have stated in writing that he will not convey the same, or shall not convey the same for the space of twenty-eight days next after a proper deed for conveying such property shall have been tendered to him by a person entitled as aforesaid, or a duly authorized agent of such last-mentioned person:

When it shall be uncertain which of several devisees of such Mortgagee was the survivor:

When it shall be uncertain as to the survivor of several devisees of such Mortgagee, or as to the heir of such Mortgagee whether he be living or dead:

When such Mortgagee shall have died intestate as to such property and without an heir, or shall have died, and it shall not be known who is his heir or devisee:

And the order of the said High Court made in any one of the foregoing cases, shall have the same effect as if the heir or devisee, or surviving devisee, as the case may be, had duly executed a conveyance of the property in the same manner and for the same estate.

Power to appoint a person to convey in certain cases.

20. In every case where the High Court shall, under the provisions of this Act, be enabled to make an order having the effect of a conveyance of any immoveable property, or having the effect of a release or disposition of the contingent right of any person or persons, born or unborn, it shall also be lawful for the High Court, should it be deemed more convenient, to make an order appointing a person to convey such property or release or dispose of such contingent right; and the conveyance, or release or disposition of the person so appointed, shall, when in conformity with the terms of the order by which he is appointed, have the same effect, in conveying the property, or releasing or disposing of the contingent right, as an order of the High Court would in the particular case have had under the provisions of this Act. In every case where the High Court shall, under the provisions of this Act, be enabled to make an order vesting in any person or persons the right to transfer any stock transferable in the books of any company or society established or to be established, it shall also be lawful for the High Court, if it be deemed more convenient, to make an order directing the Secretary or any officer of such company or society at once to transfer or join in transferring the stock to the person or persons to be named in the order; and this Act shall be a full and complete indemnity and discharge to all companies or societies and their officers and servants for all acts done or permitted to be done pursuant thereto.

When Trustees of stock or Government securities out of the jurisdiction.

21. When any person or persons shall be jointly entitled with any person out of the jurisdiction of the High Court, or who cannot be found, or concerning whom it shall be uncertain whether he be living or dead, to any stock or Government securities or thing in action upon any trust, it shall be lawful for the said Court to make an order vesting the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for or recover such thing in action or any interest in respect thereof, either in such person or persons so jointly entitled as aforesaid, or in such last-mentioned person or persons, together with any person or persons the said Court may appoint. When any sole Trustee of any stock, Government securities, or thing in action shall be out of the jurisdiction of the said Court, or cannot be found, or it shall be uncertain whether he be living or dead, it shall be lawful for the said Court to make an order vesting the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for and recover such thing in action, or any interest in respect thereof, in any person or persons the said Court may appoint.

When Trustee of stock, &c., refuses to transfer.

22. Where any sole Trustee of any stock, Government securities, or thing in action, shall neglect or refuse to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for or recover such thing in action, or any interest in respect thereof, according to the direction of the person absolutely entitled thereto, for the space of twenty-eight days next after a request in writing for that purpose shall have been made to him by the person absolutely entitled thereto, it shall be lawful for the High Court to make an order vesting the sole right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for and recover such thing

in action, or any interest in respect thereof, in such person or persons as the said Court may appoint.

When one of several Trustees of stock, &c., refuses to transfer or receive and pay over dividends.

23. Whereany one of the Trustees of any stock, Government securities, or thing in action, shall neglect or refuse to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for or recover such thing in action according to the directions of the person absolutely entitled thereto, for the space of twenty-eight days next after a request in writing for that purpose shall have been made to him by such person, it shall be lawful for the High Court to make an order vesting the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for and recover such thing in action, in the other Trustee or Trustees of the said stock, Government securities or thing in action, or in any person or persons whom the said Court may appoint jointly with such other Trustee or Trustees.

When stock, &c., is standing in the name of a deceased person.

24. When any stock or Government securities shall be standing in the sole name of a deceased person, and his executor or administrator shall be out of the jurisdiction of the High Court, or cannot be found, or it shall be uncertain whether such executor or administrator be living or dead, or such executor or administrator shall neglect or refuse to transfer such stock or Government securities, or receive the dividends, interest or income thereof, according to the direction of the person absolutely entitled thereto, for the space of twenty-eight days next after a request in writing for that purpose shall have been made to him by the person entitled as aforesaid, it shall be lawful for the said Court to make an order vesting the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof in any person or persons whom the said Court may appoint.

Effect of an order vesting the legal right to transfer stock, &c.

25. Where any order shall have been made under this Act vesting the right to any stock or Government securities in any person or persons appointed by the High Court, such legal right shall vest accordingly, and thereupon the person or persons so appointed are hereby authorized and empowered to execute all deeds and powers of attorney, and to perform all acts relating to the transfer of such stock and Government securities into his or their own name or names or otherwise, or relating to the receipt of the dividends, interest or income thereof, to the extent and in conformity with the terms of such order. All companies and associations whatever, and all persons, shall be equally bound and compellable to comply with the requisitions of such person or persons so appointed as aforesaid to the extent and in conformity with the terms of such order as such companies, associations, or persons would have been bound and compellable to comply with the requisitions of the person in whose place such appointment shall have been made, and shall be equally indemnified in complying with the requisition of such person or persons so appointed as they would have been indemnified in complying with the requisition of the person in whose place such appointment shall have been made. After notice in writing of any such order of the High Court concerning any stock or Government securities shall have been given, it shall not be lawful for any company or association, or any person having received such notice, to act upon the requisition of the person in whose place an appointment shall have been made, in any matter relating to the transfer of such stock or Government securities, or the payment of the dividends, interest or income thereof.

Effect of an order vesting legal right in a thing in action.

26. Where any order shall have been made under this Act by the High Court vesting the legal right to sue for or recover anything in action, or any interest in respect thereof in any person or persons, such legal right shall vest accordingly; and thereupon it shall be lawful for the person or persons so appointed to carry on, commence and prosecute, in his or their own name or names, any suit or other proceeding for the recovery of such thing in action, in the same manner in all respects as the person in whose place an appointment shall have been made could have sued for or recovered such thing in action.

On neglect to transfer stock, &c., for 28 days, order may be made vesting right to transfer in such person as the Court shall appoint.

27. Where any person shall neglect or refuse to transfer any stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for or recover any thing in action, or any interest in respect thereof, for the space of twenty-eight days next after an order of the High Court for that purpose shall have been served upon him, it shall be lawful for the said Court to make an order vesting all the right of such person to transfer such stock or Government securities, or to receive the dividends, interest, or income thereof, or to sue for and recover such thing in action, or any interest in respect thereof, in such person or persons as the said Court may appoint.

On like neglect by executor similar order may be made.

28. When any stock or Government securities shall be standing in the sole name of a deceased person, and his Executor or Administrator shall refuse or neglect to transfer such stock or Government securities, or receive the dividends, interest or income thereof for the space of twenty-eight days next after an order of the High Court for that purpose shall have been served upon him, it shall be lawful for the said Court to make an order vesting the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, in any person or persons whom the said Court may appoint.

Companies and associations to comply with such orders.

29. When any order being or purporting to be under this Act, shall be made by the High Court, vesting the right to any stock or Government securities, or vesting the right to transfer any stock or Government securities, or vesting the right to call for the transfer of any stock or Government securities in any person or persons, in every such case the legal right to transfer such stock or Government securities shall vest accordingly; and the person or persons so appointed shall be authorized and empowered to execute all deeds and powers of attorney, and to perform all acts relating to the transfer of such stock or Government securities into his or their own name or names or otherwise, to the extent and in conformity with the terms of the order.

All companies and associations, and all persons, shall be equally bound and compellable to comply with the requisitions of such person or persons so appointed as aforesaid, to the extent and in conformity with the terms of such order, as such companies, associations or persons would have been bound and compellable to comply with the requisitions of the person in whose place such appointment shall have been made.

Power to make an order for the transfer or receipt of dividends of stock, &c., in name of a minor Trustee.

30. When any minor shall be solely entitled to any stock or Government securities upon any trust, it shall be lawful for the High Court to make an order vesting in any person or persons the right to transfer such stock or Government securities or to receive the dividends, interest or income thereof. When any minor shall be entitled jointly with any other person or persons to any stock or Government securities upon any trust, it shall be lawful for the said Court to make an order vesting the right to transfer such stock or Government securities or to receive the dividends, interest or income thereof, either in the person or persons jointly entitled with the minor, or in him or them together with any other person or persons the said Court may appoint.

When a decree is made for sale of immoveable property for payment of debts.

31. When a decree or order shall have been made by the High Court directing the sale of any immoveable property for the payment of the debts of a deceased person, every person holding such property, or entitled to a contingent right therein, as heir, or under the will of such deceased debtor, shall be deemed so to hold or be entitled (as the case may be) upon a trust within the meaning of this Act: and the High Court is hereby empowered to make an order wholly discharging the contingent right under the will of such deceased debtor of any unborn person.

High Court may make an order for vesting the estate in lieu of conveyance by a party to the suit after a decree or order for sale.

32. When any decree or order shall have been made by the High Court, whether before or after the passing of this Act, directing the sale of any immoveable property for any purpose whatever, every person holding such property, or entitled to a contingent right therein, being a party to the suit or proceeding in which such decree or order shall have been made and bound thereby, or being otherwise bound by such decree or order, shall be deemed so to hold or be entitled (as the case may be) upon a trust within the meaning of this Act. In every such case it shall be lawful for the High Court, if the said Court shall think it expedient for the purpose of carrying such sale into effect, to make an order vesting such property or any part thereof, for such estate as the Court shall think fit, either in any purchaser or in such other person as the Court shall direct. Every such order shall have the same effect as if the person so holding or entitled had been free from all disability, and had duly executed all proper conveyances and assignments of such property for such estate.

Court to declare what parties are Trustees of immoveable property comprised in any suit, and as to the interests of persons unborn.

33. Where any decree or order shall be made by the High Court for the specific performance of a contract concerning any immoveable property, or for the partition or exchange of any immoveable property, or generally when any decree shall be made for the conveyance of any immoveable property, either in cases arising out of the doctrine of election or otherwise, it shall be lawful for the said Court to declare that any of the parties to the said suit wherein such decree is made are trustees of such property or any part thereof, within the meaning of this Act, or to declare concerning the interests of unborn persons who might claim under any party to the said suit, or under the will or voluntary settlement of any person deceased who was during his life-time a party to the contract or transactions concerning which such decree is made that such interests of unborn persons are the interests of persons who, upon coming into existence, would be trustees within the meaning of this Act. Thereupon it shall be lawful for the High Court to make such order or orders as to the estates, rights and interests of such persons born or unborn, as the said Court might, under the provisions of this Act, make concerning the estates, rights and interests of trustees born or unborn.

Power to make directions how the right to transfer stock shall be exercised.

34. It shall be lawful for the High Court to make declarations and give directions concerning the manner in which the right to any stock, Government securities or thing in action vested under the provisions of this Act shall be exercised, and thereupon the person or persons in whom such right shall be vested shall be compellable to obey such directions and declarations by the same process as that by which other orders under this Act are enforced.

Power to Court to make order appointing new Trustees.

35. In all cases in which it shall be expedient to appoint a new Trustee or new Trustees, and it shall be found inexpedient, difficult or impracticable so to do without the assistance of the High Court, it shall be lawful for the said Court to make an order appointing a new Trustee or new Trustees, whether there be any existing Trustee or Trustees or not at the time of making such order, and if there be such Trustee or Trustees either in substitution for or in addition to him or them. The person or persons who, upon the making of such order shall be Trustee or Trustees, shall have the same rights and powers as he or they would have had if appointed by decree in a suit duly instituted.

New Trustees to have powers of Trustees appointed by decree in suit.

Power to Court to vest immoveable property in new Trustee.

36. It shall be lawful for the High Court, upon making any order for appointing a new Trustee or new Trustees, either by the same or by any subsequent order, to direct that any immoveable property subject to the trust shall vest in the person or persons who upon the appointment shall be the Trustee or Trustees for such estate as the Court shall direct. Such order shall have the same effect as if the person or persons who, before such order, was or were the Trustee

or Trustees (if any) had duly executed all proper conveyances of such property for such estate.

Power to Court to vest right to sue in new Trustees.

37. It shall be lawful for the High Court, upon making any order for appointing a new Trustee or new Trustees, either by the same or by any subsequent order, to vest the right to call for a transfer of any stock or Government securities subject to the trust, or to receive the dividends, interest or income thereof, or to sue for or recover any thing in action, subject to the trust or any interest in respect thereof, in the person or persons who upon the appointment shall be the Trustee or Trustees.

Old Trustees not to be discharged from liability.

38. Any such appointment by the High Court of new Trustees, and any such conveyance or transfer as aforesaid, shall operate no further or otherwise as a discharge to any former or continuing Trustee, than an appointment of new Trustees under any power for that purpose contained in any instrument would have done.

Who may apply.

39. An order under any of the hereinbefore contained provisions, for the appointment of a new Trustee or new Trustees, or concerning any immoveable property, stock, or Government securities, or thing in action subject to a trust, may be made upon the application of any person beneficially interested in such immoveable property, stock, Government securities, or thing in action, whether under disability or not, or upon the application of any person duly appointed as a Trustee thereof; and an order under any of the provisions hereinbefore contained concerning any immoveable property, stock, Government securities, or thing in action subject to a mortgage, may be made on the application of any person beneficially interested in the equity of redemption, whether under disability or not, or of any person interested in the monies secured by such mortgage.

Application may be by petition.

40. When any person shall deem himself entitled to an order under any of the provisions hereinbefore contained, it shall be lawful for him to present a petition to the High Court for such order as he may deem himself entitled to, and he may give evidence by affidavit or otherwise in support of such petition before the said Court, and may serve such person or persons with notice of such petition as he may deem entitled to service thereof.

What may be done upon petition.

41. Upon the hearing of any such petition it shall be lawful for the said High Court, should it be deemed necessary, to direct a reference to one of the Judges of the Court to inquire into any facts which require such an investigation, or it shall be lawful for the said Court to direct such petition to stand over, to enable the petitioner to adduce evidence or further evidence before the Court, or to enable notice or any further notice of such petition to be served upon any person or persons.

Court may dismiss petition with or without costs.

42. Upon the hearing of any such petition, it shall be lawful for the High Court to dismiss such petition with or without costs, or to make an order thereupon in conformity with the provisions of this Act.

Power to make an order in a cause.

43. Whensoever in any cause or matter, either by the evidence adduced therein, or by the admissions of the parties, or by report of one of the Judges of the Court, the facts necessary for an order under this Act shall appear to the High Court to be sufficiently proved, it shall be lawful for the said Court, either upon the hearing of the said cause or of any petition or application in the said cause or matter, to make such order under this Act.

Orders made by the High Court founded on certain allegations to be conclusive evidence of the matter contained in such allegations.

44. Whenever any order shall be made under this Act by the High Court, for the purpose of conveying any immoveable property, or for the purpose of releasing or disposing of any contingent right, and such order shall be founded on an allegation of the personal incapacity of a Trustee or Mortgagee or on an allegation that a Trustee or the heir or devisee of a Mortgagee is out of the jurisdiction of the High Court or cannot be found, or that it is uncertain which of several Trustees, or which of several devisees of a Mortgagee, was the survivor, or whether the last Trustee, or the heir, or last surviving devisee of a Mortgagee, be living or dead, or on an allegation that any Trustee or Mortgagee has died intestate without an heir or has died, and it is not known who is his heir or devisee, then in any of such cases the fact that the High Court has made an order upon such an allegation, shall be conclusive evidence of the matter so alleged in any Court of Civil Judicature upon any question as to the legal validity of the order: Provided always that nothing herein contained shall prevent the High Court directing a re-conveyance of any immoveable property conveyed or assigned by any order under this Act, or a re-disposition of any contingent right conveyed or disposed of by such order; and it shall be lawful for the said Court to direct any of the parties to any suit concerning such property or contingent right, to pay any costs occasioned by the order under this Act, when the same shall appear to have been improperly obtained.

Trustees of charity.

45. It shall be lawful for the High Court to exercise the powers herein conferred for the purpose of vesting any immoveable property, stock, Government securities, or thing in action in the Trustee or Trustees of any charity or society over which charity or society the High Court would have jurisdiction upon suit duly instituted, whether such Trustee or Trustees shall have been duly appointed by any power contained in any deed or instrument, or by the decree of the said Court, or by order made upon a petition to the said Court.

Money of minors and persons of unsound mind to be paid into Court.

46. Where any minor or person of unsound mind shall be entitled to any money payable in discharge of any immoveable property, stock, Government securities, or thing in action conveyed or transferred under this Act, it shall be lawful for the person by whom such money is payable to pay the same into the High Court in trust in any cause then depending concerning such money, or if there shall be no such cause, to the credit of such minor or person of unsound mind, subject to the order or disposition of the said Court; and it shall be lawful for the said Court, upon petition in a summary way,

to order any money so paid to be invested in Government securities, and to order payment or distribution thereof, or payment of the dividends or interest thereof, as to the said Court shall seem reasonable.

Court may make a decree in the absence of a Trustee.

47. Where in any suit commenced or to be commenced in the High Court it shall be made to appear to the Court that diligent search and enquiry have been made after any person made a defendant, who is only a Trustee, to serve him with the process of the Court, and that he cannot be found, it shall be lawful for the said Court to hear and determine such cause, and to make such absolute decree therein against every person who shall appear to it to be only a Trustee, and not otherwise concerned in interest in the matter in question, in such and the same manner as if such Trustee had been duly served with the process of the Court, and had appeared at the hearing of such cause: Provided always, that no such decree shall bind, affect, or in any wise prejudice any person against whom the same shall be made, without service of process upon him as aforesaid, his heirs, executors, or administrators for or in respect of any estate, right or interest which such person shall have at the time of making such decree for his own use or benefit or otherwise than as a Trustee as aforesaid.

Orders made under this Act to be chargeable with the same stamp duty as deeds of conveyance.

48. Every order to be made under this Act, which shall have the effect of a conveyance of any immoveable property, or a transfer of any such stock, Government securities, or thing in action as can only be transferred by stamped deed, or for the transfer of which a stamp is necessary, shall be chargeable with the like amount of stamp duty as it would have been chargeable with if it had been a deed executed or a transfer made by the person or persons holding such property or entitled to such stock, Government securities, or thing in action. Every such order shall be duly stamped for denoting the payment of the said duty.

Costs may be paid out of the estate.

49. The High Court may order the costs and expenses of and relating to the petitions, orders, directions, conveyances and transfers to be made in pursuance of this Act, or any of them, to be paid and raised out of or from the immoveable or moveable property, or the rents or produce thereof, in respect of which the same respectively shall be made, or in such manner as the said Court shall think proper.

Enquiry concerning person of unsound mind.

50. Upon any petition being presented under this Act to the High Court concerning a person of unsound mind, it shall be lawful for the said Court to make an order directing an enquiry whether such person is or is not of unsound mind, and incapable of managing himself and his affairs. Such order shall have the same effect as the like order made under Section 1 of Act XXXIV of 1858 *(to regulate proceedings in Lunacy in the Courts of Judicature established by Royal Charter)*, and the enquiry directed to be made shall be made in all respects in the manner declared and prescribed for making an enquiry under the last-mentioned Act. The High Court may postpone making any order upon the petition presented as aforesaid, until any enquiry so directed to be made shall have been finally concluded.

Suit may be directed.

51. Upon any petition under this Act being presented to the High Court, it shall be lawful for the said Court to postpone making any order upon such petition, until the right of the petitioner shall have been declared in a suit duly instituted for that purpose.

Indemnity to all persons obeying orders passed under this Act.

52. Every order made or purporting to be made under this Act by the High Court shall be a complete indemnity to all persons whatsoever for any act done pursuant thereto; and it shall not be necessary for such persons to enquire concerning the propriety of such order, or whether the High Court has jurisdiction to make the same.

Orders under the Act to be executed as, and have the effect of, decrees

53. Any order made by the High Court under this Act shall have the same effect and be executed in the same manner as a decree.

Short Title.

54. This Act may be cited as "The Indian Trustee Act, 1866."

From 1st February 1867, this Act to apply to Straits Settlement.

55. On and after the first day of February 1867 (but not till then), the powers and authorities given by this Act to the High Courts, shall and may be exercised by the Court of Judicature of the Settlement of Prince of Wales' Island, Singapore and Malacca, with respect to moveable and immoveable property within the local limits of the jurisdiction of that Court; and, in the said Settlement, Section 2 of this Act shall be read as if the words and figures "first day of February 1867," were substituted for the words and figures "first day of January 1866."

WHITLEY STOKES,

Asstt. Secy. to the Govt. of India,

Home Dept. (Legislative.)

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 24th October 1866, and is hereby promulgated for general information:—

ACT No. XXVIII OF 1866.

To give to Trustees, Mortgagees and others, in cases to which English Law is applicable, certain powers now commonly inserted in Settlements, Mortgages and Wills, and to amend the Law of property and relieve Trustees.

Preamble.

WHEREAS it is expedient that in cases to which English law is applicable, certain powers and provisions usually inserted in Settlements, Mortgages, Wills and other Instruments, should be made incident to the estates of the persons interested, so as to dispense with the necessity of inserting the same in terms in every such Instrument, and that in such

cases Trustees should be relieved; It is enacted as follows:—

Interpretation of terms.

"Immoveable property."

1. In the construction of this Act, unless there be some thing repugnant in the subject or context, "Immoveable Property" shall include land, any benefit to arise out of land, and things attached to the earth or permanently fastened to anything which is attached to the earth:

"Mortgage."

"Mortgage" shall be taken to include every instrument by virtue whereof immoveable property is in any manner conveyed, pledged, or charged as security for the repayment of money or money's worth lent, and to be re-conveyed, or released on satisfaction of the debt:

"Mortgagor."

"Mortgagor" shall be taken to include every person by whom any such conveyance, pledge, or charge as aforesaid shall be made:

"Mortgagee."

"Mortgagee" shall be taken to include every person to whom or in whose favour any such conveyance, pledge, or charge as aforesaid is made or transferred: and

"High Court."

"High Court" means any Court established or to be established under Statute 24 and 25 Vic., Cap. 104, and includes the Chief Court of the Punjab and the Court of Judicature of the Settlement of Prince of Wales' Island, Singapore and Malacca.

Powers of Trustees for sale, &c., and Trustees of renewable leaseholds.

Trustees empowered to sell, may sell in lots, and either by public auction or private contract.

2. In all cases whereby any will, deed or other instrument of settlement it is expressly declared that trustees or other persons therein named or indicated shall have a power of sale, either generally or in any particular event, over any immoveable property named or referred to in, or from time to time subject to, the uses or trusts of such will, deed or other instrument, it shall be lawful for such trustees or other persons, whether such property be vested in them or not, to exercise such power of sale by selling such property either together or in lots, and either by public auction or private contract, and either at one time or at several times.

Sale may be made under special conditions, and trustees may buy in, &c.

3. It shall be lawful for the persons making any such sale to insert any such special or other stipulations, either as to title or evidence of title, or otherwise, in any conditions of sale, or contract for sale, as they shall think fit; and also to buy in the property or any part thereof at any sale by auction, and to rescind or vary any contract for sale, and to re-sell the property which shall be so bought in, or as to which the contract shall be so rescinded, without being responsible for any loss which may be occasioned thereby; and no purchaser under any such sale shall be bound to enquire whether the persons making the same may or may not have in contemplation any particular re-investment of the purchase-money in the purchase of any other property or otherwise.

Trustees exercising power of sale, &c., empowered to convey.

4. For the purpose of completing any such sale as aforesaid, the persons empowered to sell as aforesaid shall have full power to convey or otherwise dispose of the property in question, in such manner as may be necessary.

Money arising from sales, to be laid out in the manner indicated in the will, &c.

5. The money so received upon any such sale as aforesaid shall be laid out in the manner indicated in that behalf in the will, deed or instrument containing the power of sale; and until the money to be received upon any sale as aforesaid shall be so disposed of, the same shall be invested at interest in Government securities for the benefit of such persons as would be entitled to the benefit of the money and the interest and profits thereof, in case such money were then actually laid out as aforesaid: Provided that if the will, deed or instrument shall contain no such indication, the persons empowered to sell as aforesaid shall invest the money so received upon any such sale in their names upon Government securities in India, and the interest of such securities shall be paid and applied to such person or persons for such purposes and in such manner as the rents and profits of the property sold as aforesaid would have been payable or applicable in case such sale had not been made.

Until it is so laid out, money to be invested in Government securities.

Powers of Mortgagees.

Powers incident to mortgages.

6. Where any principal money is secured or charged by deed on any immoveable property, or on any interest therein, the person to whom such money shall for the time being be payable, his executors, administrators and assigns, shall, at any time after the expiration of one year from the time when such principal money shall have become payable, according to the terms of the deed, or after any interest on such principal money shall have been in arrear for six months, or after any omission to pay any premium on any insurance which by the terms of the deed ought to be paid by the person entitled to the property subject to the charge, have the following powers to the same extent (but no more) as if they had been in terms conferred by the person creating the charge, namely,—

1st.—A power to sell or concur with any other person in selling the whole or any part of the property by public auction or private contract, subject to any reasonable conditions he may think fit to make, and to rescind or vary contracts for sale, or buy in and re-sell the property, from time to time, in like manner:

2nd.—A power to appoint or obtain the appointment of a receiver of the rents and profits of the whole or any part of the property in manner hereinafter mentioned.

Receipts for purchase money sufficient discharges.

7. Receipts for purchase money given by the person or persons exercising the power of sale hereby conferred, shall be sufficient discharges to the purchasers, who shall not be bound to see to the application of such purchase money.

Notice to be given before sale; but purchaser relieved from inquiry as to circumstances of sale.

8. No such sale as last aforesaid shall be made until after six months' notice in writing given to the person or one of the persons entitled to the property subject to the charge, or affixed on some conspicuous part of such property; but when a sale has been effected in professed exercise of the powers hereby conferred, the title of the purchaser shall not be liable to be impeached on the ground that no case had arisen to authorize the exercise of such power, or that no such notice as aforesaid had been given; but any person damnified by any such unauthorised exercise of such power, shall have his remedy in damages against the person or persons selling.

Application of purchase money.

9. The money arising by any sale effected as aforesaid shall be applied by the person receiving the same as follows:—first, in payment of all the expenses incident to the sale or incurred in any attempted sale; secondly, in discharge of all interest and costs then due in respect of the charge in consequence whereof the sale was made; and thirdly, in discharge of all the principal monies then due in respect of such charge; and the residue of such money shall be paid to the person entitled to the property subject to the charge, his executors, administrators or assigns, as the case may be.

Conveyance to the purchaser.

10. The person exercising the power of sale hereby conferred shall have power by deed to convey or assign to and vest in the purchaser the property sold, for all the estate and interest therein which the person who created the charge had power to dispose of: Provided that nothing herein contained shall be construed to authorize the mortgagee of a term of years to sell and convey the fee simple of the property comprised therein in cases where the mortgagor could have disposed of such fee simple at the date of the mortgage.

Owner of charge may call for title deeds and conveyance of legal estate.

11. At any time after the power of sale hereby conferred shall have become exercisable, the person entitled to exercise the same shall be entitled to demand and recover from the person entitled to the property subject to the charge, all the deeds and documents in his possession or power relating to the same property, or to the title thereto, which he would have been entitled to demand and recover if the same property had been conveyed, appointed or surrendered to and were then vested in him for all the estate and interest which the person creating the charge had power to dispose of; and where the legal estate shall be outstanding in a trustee, the person entitled to a charge created by a person equitably entitled, or any purchaser from such person, shall be entitled to call for a conveyance of the legal estate to the same extent as the person creating the charge could have called for such a conveyance if the charge had not been made.

Appointment of receiver.

12. Any person entitled to appoint or obtain the appointment of a receiver as aforesaid, may from time to time, if any person or persons has or have been named in the deed of charge for that purpose, appoint such person or any one of such persons to be receiver, or if no person be so named, then may, by writing delivered to the person or any one of the persons entitled to the property subject to the charge, or affixed on some conspicuous part of the property, require such last-mentioned person or persons to appoint a fit and proper person as receiver, and if no such appointment be made within ten days after such requisition, then may in writing appoint any person he may think fit. No person shall be ineligible for the office of receiver merely because he is an officer of the High Court.

Receiver deemed to be the agent of the mortgagor.

13. Every receiver appointed as aforesaid shall be deemed to be the agent of the person entitled to the property subject to the charge, who shall be solely responsible for his acts or defaults, unless otherwise provided for in the charge.

Powers of receiver.

14. Every receiver appointed as aforesaid shall have power to demand and recover and give effectual receipts for all the rents, issues and profits of the property of which he is appointed receiver by suit, distress, or otherwise, in the name either of the person entitled to the property subject to the charge, or of the person entitled to the money secured by the charge, to the full extent of the estate or interest which the person who created the charge had power to dispose of.

Receiver may be removed.

15. Every receiver appointed as aforesaid may be removed by the like authority, or on the like requisition as before provided with respect to the original appointment of a receiver, and new receivers may be appointed from time to time.

Receiver to receive a commission not exceeding five per cent.

16. Every receiver appointed as aforesaid shall be entitled to retain out of any money received by him, in lieu of all costs, charges, and expenses whatsoever, such a commission, not exceeding five *per centum* on the gross amount of all money received, as shall be specified in his appointment, and if no amount shall be so specified, then five *per centum* on such gross amount.

Receiver to insure, if required.

17. Every receiver appointed as aforesaid shall, if so directed in writing by the person entitled to the money secured by the charge, insure and keep insured from loss or damage by fire, out of the money received by him, the whole or any part of the property included in the charge which is in its nature insurable.

Application of moneys received by him.

18. Every receiver appointed as aforesaid shall pay and apply all the money received by him in the first place in discharge of Government revenue and of all taxes, rates, and assessments whatsoever, and in payment of his commission as aforesaid, and of the premiums on the insurances, if any; and in the next place in payment of all the interest accruing due in respect of any principal money then charged on the property over which he is receiver, or on any part thereof; and, subject as aforesaid, shall pay all the residue of such money to the person for the time being entitled to the property subject to the charge, his executors, administrators or assigns.

This part to relate to charges by way of mortgage only.

19. The powers and provisions contained in Sections 6 to 18 of this Act, both inclusive, relate only to mortgages or charges made to secure money advanced or to be advanced by way of loan, or to secure an existing or future debt.

Leases.

Restriction on effect of license to alien.

20. Where any license to do any act which without such license would create a forfeiture, or give a right to re-enter, under a condition or power reserved in any lease heretofore granted or to be hereafter granted, shall, at any time after this Act comes into operation, be given to any lessee or his assigns, every such license shall, unless otherwise expressed, extend only to the permission actually given, or to any specific breach of any proviso or covenant made or to be made, or to the actual assignment, under-lease or other matter thereby specifically authorized to be done, but not so as to prevent any proceeding for any subsequent breach (unless otherwise specified in such license); and all rights under covenants and powers of forfeiture and re-entry in the lease contained shall remain in full force and shall be available as against any subsequent breach of covenant or condition, assignment, underlease, or other matter not specifically authorized or made dispunishable by such license, in the same manner as if no such license had been given; and the condition or right of re-entry shall be and remain in all respects as if such license had not been given, except in respect of the particular matter authorized to be done.

Restricted operation of partial licenses.

21. Where in any lease heretofore granted or to be hereafter granted, there is or shall be a power or condition of re-entry on assigning or under-letting, or doing any other specified act without license, and a license at any time after the passing of this Act shall be given to one of several lessees or co-owners to assign or underlet his share or interest; or to do any other act prohibited to be done without license, or shall be given to any lessee or owner, or any one of several lessees or owners, to assign or underlet part only of the property, or to do any other such act as aforesaid in respect of part only of such property, such license shall not operate to destroy or extinguish the right of re-entry in case of any breach of the covenant or condition by the co-lessee or co-lessees, or owner or owners, of the other shares or interests in the property, or by the lessee or owner of the rest of the property (as the case may be) over or in respect of such shares or interests or remaining property, but such right of re-entry shall remain in full force over or in respect of the shares or interests or property not the subject of such license.

Apportionment of conditions of re-entry in certain cases.

22. Where the reversion upon a lease is severed, and the rent or other reservation is legally apportioned, the assignee of each part of the reversion shall, in respect of the apportioned rent or other reservation allotted or belonging to him, have and be entitled to the benefit of all conditions or powers of re-entry for non-payment of the original rent or other reservation, in like manner as if such conditions or powers had been reserved to him as incident to his part of the reversion in respect of the apportioned rent or other reservation allotted or belonging to him.

Rent Charges.

Release of part of land charged, not to be an extinguishment.

23. The release from a rent-charge of part of the immoveable property charged therewith shall not extinguish the whole rent-charge, but shall operate only to bar the right to recover any part of the rent-charge out of the property released, without prejudice nevertheless to the rights of all persons interested in the property remaining unreleased, and not concurring in or confirming the release.

Powers.

Mode of execution of powers.

24. A deed hereafter executed in the presence of and attested by two or more witnesses in the manner in which deeds are ordinarily executed and attested, shall, so far as respects the execution and attestation thereof, be a valid execution of a power of appointment by deed or by any instrument in writing not testamentary, notwithstanding it shall have been expressly required that a deed or instrument in writing made in exercise of such power should be executed or attested with some additional or other form of execution or attestation or solemnity: Provided always, that this provision shall not operate to defeat any direction in the instrument creating the power that the consent of any particular person shall be necessary to a valid execution, or that any act shall be performed in order to give validity to any appointment, having no relation to the mode of executing and attesting the instrument: and nothing herein contained shall prevent the donee of a power from executing it conformably to the power by writing or otherwise than by an instrument executed and attested as an ordinary deed, and to any such execution of a power this provision shall not extend.

Legatee in trust may raise money by sale, notwithstanding want of express power in the will.

25. Where by any will which shall come into operation after the passing of this Act, the testator shall have charged his immoveable property or any specific portion thereof with the payment of his debts, or with the payment of any legacy or other specific sum of money, and shall have bequeathed the property so charged to any trustee or trustees for the whole of his estate or interest therein, and shall not have made any express provision for the raising of such debt, legacy, or sum of money out of such property, it shall be lawful for the said legatee or legatees in trust, notwithstanding any trusts actually declared by the testator, to raise such debts, legacy, or money as aforesaid by sale and absolute disposition by public auction or private contract, of the said property or any part thereof, or by a mortgage of the same, or partly in one mode and partly in the other; and any deed or deeds of mortgage so executed may reserve such rate of interest and fix such period or periods of repayment as the person or persons executing the same shall think proper.

Powers given by last section extended to survivors, legatees, &c.

26. The powers conferred by the last preceding section shall extend to all and every person or persons in whom the property bequeathed in trust shall for the time being be vested by survivorship, or under the laws relating to

intestate or testamentary succession, or to any person or persons who may be appointed under any power in the will, or by the High Court, to succeed to the trusteeship vested in such legatee or legatees in trust as aforesaid.

Executors to have power of raising money, &c., where there is no sufficient bequest.

27. If any testator who shall have created such a charge as is described in Section 25 of this Act, shall not have bequeathed the property charged as aforesaid in such terms as that his whole estate and interest therein shall become vested in any trustee or trustees, the executor or executors (if any) for the time being named in such will, shall have the same or the like power of raising the said monies as is hereinbefore vested in the legatee or legatees in trust of the said property, and such power shall from time to time devolve on and become vested in the person or persons (if any) in whom the executorship shall for the time being be vested.

Purchasers, &c., not bound to enquire as to powers.

28. Purchasers or mortgagees shall not be bound to enquire whether the powers conferred by Sections 25, 26 and 27 of this Act, or any of them, shall have been duly and correctly exercised by the person or persons acting in virtue thereof.

Inheritance.

Descent how to be traced.

29. In cases of intestacies occurring before the first day of January 1866, where there shall be a total failure of heirs of the purchaser, or where any immoveable property shall be descendible as if an ancestor had been the purchaser thereof, and there shall be a total failure of the heirs of such ancestor, then and in every such case the property shall descend, and the descent shall thenceforth be traced from the person last entitled to the property as if he had been the purchaser thereof. This section shall be read as part of Act No. XXX of 1839 *(for the amendment of the law of inheritance)*.

Assignment of Moveables and Terms for years.

Assignment to self and others.

30. Any person shall have power to assign moveable property now by law assignable, terms for years of immoveable property, and estates by *elegit*, directly to himself and another person or other persons or corporation, by the like means as he might assign the same to another.

Purchasers.

Not to be bound to see to the application of purchase money, &c.

31. The *bonâ fide* payment to and the receipt of any person to whom any purchase or mortgage money shall be payable upon any express or implied trust, shall effectually discharge the person paying the same from seeing to the application, or being answerable for the misapplication thereof.

Investment of Trust Funds.

On what securities trust funds may be invested.

32. Trustees having trust money in their hands which it is their duty to invest at interest, shall be at liberty, at their discretion, to invest the same in any Government securities, and such trustees shall also be at liberty, at their discretion, to call in any trust funds invested in any other securities than as aforesaid, and to invest the same on any such securities as aforesaid, and also from time to time, at their discretion, to vary any such investments as aforesaid for others of the same nature: Provided always, that no such original investment as aforesaid, and no such change of investment as aforesaid, shall be made where there is a person under no disability entitled in possession to receive the income of the trust fund for his life, or for a term of years determinable with his life, or for any greater estate, without the consent in writing of such person.

Trustees and Executors.

Trustees may apply income of property of minors, &c., for their maintenance.

33. In all cases where any property is held by trustees in trust for a minor, either absolutely or contingently on his attaining majority, or on the occurrence of any event previously to his attaining majority, it shall be lawful for such trustees, at their sole discretion, to pay to the guardians (if any) of such minor, or otherwise to apply for or towards the maintenance or education of such minor, the whole or any part of the income to which such minor may be entitled in respect of such property, whether there be any other fund applicable to the same purpose, or any other person bound by law to provide for such maintenance or education, or not; and such trustees shall accumulate all the residue of such income by way of compound interest, by investing the same and the resulting income thereof from time to time in proper securities, for the benefit of the person who shall ultimately become entitled to the property from which such accumulations shall have arisen: Provided always, that it shall be lawful for such trustees at any time, if it shall appear to them expedient, to apply the whole or any part of such accumulations as if the same were part of the income arising in the then current year.

Provisions for appointment of new trustees, on death, &c.

34. Whenever any trustee, either original or substituted, and whether appointed by any High Court or otherwise, shall die, or be six months absent from British India, or desire to be discharged from or refuse, or become unfit or incapable to act in the trusts or powers in him reposed, before the same shall have been fully discharged and performed, it shall be lawful for the person or persons nominated for that purpose by the deed, will, or other instrument creating the trust (if any), or if there be no such person, or no such person able and willing to act, then for the surviving or continuing trustees or trustee for the time being, or the acting executors or executor, or administrators or administrator of the last surviving and continuing trustee, or for the retiring trustees, if they shall all retire simultaneously, or for the last retiring trustee, or where there are two more classes of trustees of the instrument creating the trust, then for the surviving or continuing trustees or trustee of the class in which any such vacancy or disqualification shall occur (and for this purpose any refusing or retiring trustee shall, if willing to act in the execution of the power, be considered a continuing trustee) by writing, to appoint any other person or persons to be a trustee or trustees in the place of the

trustee or trustees so dying, or being absent from British India, or desiring to be discharged, or refusing or becoming unfit or incapable to act as aforesaid. So often as any new trustee or trustees shall be so appointed as aforesaid, all the trust property (if any) which for the time being shall be vested in the surviving or continuing trustees or trustee, or in the heirs, executors, or administrators of any trustee, shall with all convenient speed be conveyed and transferred so that the same may be legally and effectually vested in such new trustee or trustees, either solely or jointly with the surviving or continuing trustees or trustee, as the case may require. Every new trustee to be appointed as aforesaid, as well before as after such conveyance or transfer as aforesaid, and also every trustee appointed by any High Court either before or after the passing of this Act, shall have the same powers, authorities, and discretions, and shall in all respects act as if he had been originally nominated a trustee by the deed, will, or other instrument (if any) creating the trust. The Official Trustee may with his consent, and by the order of the High Court, be appointed under this section in any case in which only one trustee is to be appointed and such trustee is to be the sole trustee.

Appointment of new trustee in place of trustee predeceasing testator.

35. The power of appointing new trustees hereinbefore contained, may be exercised in cases where a trustee nominated in a will has died in the life-time of the testator.

Trustees' receipts to be discharges.

36. The receipts in writing of any trustees or trustee for any money payable to them or him by reason, or in the exercise, of any trusts or powers reposed or vested in them or him, shall be sufficient discharges for the money therein expressed to be received, and shall effectually exonerate the persons paying such money from seeing to the application thereof, or from being answerable for any loss or misapplication thereof.

Every trust instrument to be deemed to contain clauses for the indemnity and reimbursement of the trustees.

37. Every deed, will, or other instrument creating a trust either expressly or by implication, shall, without prejudice to the clauses actually contained therein, be deemed to contain a clause in the words or to the effect following, that is to say, "that the trustees or trustee for the time being of the said deed, will, or other instrument, shall be respectively chargeable only for such moneys, stocks, funds and securities as they shall respectively actually receive, notwithstanding their respectively signing any receipt for the sake of conformity, and shall be answerable and accountable only for their own acts, receipts, neglects, or defaults, and not for those of each other, nor for any banker, broker, or other person with whom any trust moneys or securities may be deposited, nor for the insufficiency or deficiency of any stocks, funds, or securities, nor for any other loss, unless the same shall happen through their own wilful default respectively; and also that it shall be lawful for the trustees or trustee for the time being of the said deed, will, or other instrument, to reimburse themselves or himself, or pay or discharge out of the trust premises all expenses incurred in or about the execution of the trusts or powers of the said deed, will, or other instrument."

Executors may compound, &c.

38. It shall be lawful for any executors to pay any debts or claims upon any evidence that they may think sufficient, and to accept any composition, or any security for any debts due to the deceased, and to allow any time for payment of any such debts as they shall think fit, and also to compromise, compound, or submit to arbitration all debts, accounts, claims, and things whatsoever relating to the estate of the deceased, and for any of the purposes aforesaid to enter into, give, and execute such agreements, instruments of composition, releases, and other things as they shall think expedient, without being responsible for any loss to be occasioned thereby.

Trustee, &c., making payment under power of attorney, not to be liable by reason of death of party giving such power.

39. No trustee, executor, or administrator making any payment or doing any act *bonâ fide* under or in pursuance of any power of attorney, shall be liable for the moneys so paid or the act so done, by reason that the person who gave the power of attorney was dead at the time of such payment or act, or had done some act to avoid the power: Provided that the fact of the death, or of the doing of such act as last aforesaid, at the time of such payment or act *bonâ fide* done as aforesaid by such trustee, executor, or administrator, was not known to him: Provided always that nothing herein contained shall in any manner affect or prejudice the right of any person entitled to the money against the person to whom such payment shall have been made; but that such person so entitled shall have the same remedy against such person to whom such payment shall be made as he would have had against the trustee, executor or administrator, if the money had not been paid away under such power of attorney.

As to liability of executor or administrator in respect of rents, covenants, or agreements.

40. Where an executor or administrator liable as such to the rents, covenants, or agreements contained in any lease or agreement for a lease granted or assigned, whether before or after the passing of this Act, to the testator or intestate whose estate is being administered, shall have satisfied all such liabilities under the said lease, or agreement for a lease as may have accrued due and been claimed up to the time of the assignment hereinafter mentioned, and shall have set apart a sufficient fund to answer any future claim that may be made in respect of any fixed and ascertained sum covenanted or agreed by the lessee to be laid out on the property demised or agreed to be demised, although the period for laying out the same may not have arrived, and shall have assigned the lease or agreement for a lease to a purchaser thereof, he shall be at liberty to distribute the residuary estate of the deceased to and amongst the parties entitled thereto, respectively, without appropriating any part, or any further part (as the case may be) of the estate of the deceased to meet any future liability under the said lease or agreement for a lease. The executor or administrator so distributing the residuary estate shall not, after having assigned the said lease or agreement for a lease, and having, where necessary, set apart such sufficient fund as aforesaid, be personally liable in respect of any subsequent claim under the said lease or agreement for a lease. Nothing herein contained shall

prejudice the right of the lessor or those claiming under him to follow the assets of the deceased into the hands of the person or persons to or amongst whom the said assets may have been distributed.

As to liability of executor, &c., in respect of rents, &c., in conveyance on rent-charge.

41. In like manner, where an executor or administrator liable as such to the rent, covenants, or agreements contained in any conveyance on chief rent or rent-charge (whether any such rent be by limitation of use, grant, or reservation), or agreement for such conveyance, granted or assigned to or made and entered into with the testator or intestate whose estate is being administered, shall have satisfied all such liabilities under the said conveyance or agreement for a conveyance, as may have accrued due and been claimed up to the time of the conveyance hereinafter mentioned, and shall have set apart a sufficient fund to answer any future claim that may be made in respect of any fixed and ascertained sum covenanted or agreed by the grantee to be laid out on the property conveyed, or agreed to be conveyed, although the period for laying out the same may not have arrived, and shall have conveyed such property, or assigned the said agreement for such conveyance as aforesaid, to a purchaser thereof, he shall be at liberty to distribute the residuary estate of the deceased to and amongst the parties entitled thereto, respectively, without appropriating any part or any further part (as the case may be) of such estate to meet any future liability under the said conveyance, or agreement for a conveyance. The executor or administrator so distributing the residuary estate shall not, after having made or executed such conveyance or assignment, and having, where necessary, set apart such sufficient fund as aforesaid, be personally liable in respect of any subsequent claim under the said conveyance, or agreement for conveyance. Nothing herein contained shall prejudice the right of the grantor, or those claiming under him, to follow the assets of the deceased into the hands of the person or persons to or among whom the said assets may have been distributed.

As to distribution of the assets of testator or intestate after notice given by executor and administrator.

42. Where an executor or administrator shall have given such or the like notices, as in the opinion of the Court in which such executor or administrator is sought to be charged would have been given by the High Court in an administration suit, for creditors and others to send in to the executor or administrator their claims against the estate of the testator or intestate, such executor or administrator shall, at the expiration of the time named in the said notices, or the last of the said notices, for sending in such claims, be at liberty to distribute the assets of the testator or intestate, or any part thereof, amongst the parties entitled thereto, having regard to the claims of which such executor or administrator has then notice, and shall not be liable for the assets or any part thereof so distributed to any person of whose claim such executor or administrator shall not have had notice at the time of distribution of the said assets or a part thereof, as the case may be. Nothing in the present Act contained shall prejudice the right of any creditor or claimant to follow the assets or any part thereof into the hands of the person or persons who may have received the same respectively.

Trustee, executor, &c., may apply by petition to Judge of High Court for opinion, advice, &c., in management, &c., of trust property.

43. Any trustee, executor, or administrator shall be at liberty, without the institution of a suit, to apply by petition to any Judge of the High Court for the opinion, advice or direction of such Judge on any question respecting the management or administration of the trust property or the assets of any testator or intestate. Such application shall be served upon or the hearing thereof shall be attended by all persons interested in such application, or such of them as the said Judge shall think expedient. The trustee, executor or administrator acting upon the opinion, advice, or direction given by the said Judge shall be deemed, so far as regards his own responsibility, to have discharged his duty as such trustee, executor or administrator in the subject matter of the said application: Provided nevertheless, that this Act shall not extend to indemnify any trustee, executor, or administrator in respect of any act done in accordance with such opinion, advice or direction as aforesaid, if such trustee, executor or administrator shall have been guilty of any fraud or wilful concealment or misrepresentation in obtaining such opinion, advice or direction: and the costs of such application as aforesaid shall be in the discretion of the Judge to whom the said application shall be made.

General Provisions.

Tenants for life, &c., may execute powers, notwithstanding incumbrances.

44. For the purposes of this Act, a person shall be deemed to be entitled to the possession, or to the receipt of the rents and income of immoveable or moveable property, although his estate may be charged or incumbered, either by himself or by any former owner, or otherwise howsoever to any extent; but the estates or interests of the parties entitled to any such charge or incumbrance shall not be affected by the acts of the person entitled to the possession or to the receipt of the rents and income as aforesaid, unless they shall concur therein.

Operation of Act.

45. The provisions contained in this Act shall, except as hereinbefore otherwise provided, extend only to persons entitled or acting under a deed, will, codicil or other instrument executed after this Act comes into operation, or under a will or codicil confirmed or revived by a codicil executed after that date, and only to property in British India and to cases to which English law is applicable.

Short title.

46. This Act may be called The Trustees and Mortgagees' Powers Act, 1866.

From 1st February 1867, Act to apply to Straits Settlement.

47. On and after the first day of February 1867, but not till then, this Act shall apply to the Settlement of Prince of Wales' Island, Singapore and Malacca; and, in the said Settlement, Section 29 of this Act shall be read as if the words and figures "first day of February 1867" were substituted for the words and figures "first day of January 1866."

WHITLEY STOKES,

Asstt. Secy. to the Govt. of India,

Home Department (Legislative.)

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 24th October 1866, and is hereby promulgated for general information:—

ACT No. XXIX OF 1866.

To enlarge the jurisdiction of the Courts of Requests in the Settlement of Prince of Wales' Island, Singapore, and Malacca.

Preamble.

Whereas by the letters patent re-constituting the Court of Judicature of Prince of Wales' Island, Singapore, and Malacca, Her Majesty, among other things, authorized and empowered the Governor or President and Council of the said Settlement for the time being to erect and establish such Court or Courts of Judicature as they should see fit for the recovery of small debts, and for the trial and determination of all suits and causes whatsoever against any of the inhabitants of the said Settlement, wherein the debt, duty, or matter in dispute should not exceed the value of thirty-two dollars; and whereas under the said authority Courts of Requests have been established at Penang, Province Wellesley, Singapore, and Malacca; and whereas it is expedient that the said Courts, and also any other Courts which may hereafter be established under the said authority, should have jurisdiction in all suits wherein the matter in dispute shall not exceed the value of fifty dollars; It is enacted as follows:—

Courts of Requests authorized to try suits to an amount or value not exceeding 100 dollars.

1. From and after the passing of this Act, any Court or Courts established or which may be established in the Settlement of Prince of Wales' Island, Singapore, and Malacca, under the said authority, shall have jurisdiction to try and determine all suits brought for the recovery of debts, and all suits and causes whatever against any of the inhabitants of the said Settlement or the places now, or at any time hereafter to be, subordinate or annexed thereto, wherein the debt, duty, or matter in dispute shall not exceed the value of fifty dollars.

Appointment, remuneration and removal of Bailiffs and Appraisers.

2. It shall be lawful for the Commissioners of the Court of Requests respectively in the several Stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca, to appoint four or more persons to be Bailiffs and Appraisers for the purposes of this Act, and with the sanction of the Governor of the said Settlement to fix such remuneration for the services of the said Officers as shall appear to the said Commissioners expedient, and such persons shall be duly sworn before the said Commissioners, and shall also give security, to be approved by the said Commissioners, faithfully to discharge the duties of their office, and the said Commissioners shall have power to suspend or remove such persons so appointed: Provided that it shall be lawful for the said Commissioners respectively to appoint the Bailiffs who may be attached from time to time to the said Courts respectively to the office of Distraining Bailiffs and Appraisers, for the purposes of this Act, and to award to the said Officers such remuneration, in addition to their respective salaries drawn from the said Court, as to the said Commissioners with the sanction of the Governor of the said Settlement shall appear expedient.

Issue of distress Warrant.

3. It shall be lawful for any Commissioner of a Court of Requests in any such Station, upon the affidavit in the form contained in the Schedule to this Act annexed (marked D) of any party claiming to be entitled to arrears of rent of any house or premises situate in such Station, not exceeding the amount of fifty dollars, or in case of absence of such party from such Station, or in case of respectable females who do not appear in public, upon the affidavit of the constituted Attorney of such party, stating the amount of such arrears, and for what time and at what rate the same became due, to issue a Warrant under his hand and seal, in the form contained in the Schedule to this Act annexed (marked A), addressed to any one of such Officers of such Court, directing him to levy the amount of such rent, together with the costs of the said distress, in the manner therein mentioned: Provided that it shall be lawful for any of the said Commissioners, upon personal examination of the party applying for such Warrant, to grant or withhold the same, at the discretion of the said Commissioner.

Seizure of goods and chattels.

4. By virtue of such Warrant it shall be lawful for such Officer to seize the whole or such part of the goods and chattels upon the said premises as shall be sufficient to cover the amount of the said rent, together with the costs of the said distress, and he shall thereupon make an inventory of the goods and chattels so seized, and shall give a notice in writing in the form in the Schedule to this Act annexed (marked B) to the party from whom such rent is claimed to be due, or to any other person upon behalf of such party upon the said premises, that the said goods and chattels will be appraised and sold in manner therein mentioned. And the said Officer shall file in the Court of Requests, from which the Warrant issued, true copies of the said inventory and notice: Provided that it shall be lawful for the party from whom such rent is claimed to be due, at any time within five days from such seizure, to apply to any Commissioner of such Court to discharge or suspend such Warrant, and it shall be lawful for such Commissioner to discharge or suspend such Warrant accordingly, with or without costs: Provided that it shall be lawful for any of the said Commissioners in his discretion to give reasonable time to such party to pay the said rent.

Sale of goods and chattels.

5. In default of such application, it shall be lawful for any two of such Officers of such Court, at the expiration of five days from such seizure, to appraise the goods and chattels so seized, and to give notice in writing in the form in the Schedule to this Act annexed (marked E) of the sale thereof, at such time and place as they shall direct, after an interval of not less than two days; and they shall file in such Court a true copy of the said notice, and that the same shall be sold accordingly, and the said Officers shall forthwith, after realization of the produce of the said sale, pay over the amount thereof to the Chief Clerk of the said Court, or other Head Officer of such Court and the amount of such produce shall be applied in satisfaction of the sum claimed to be due, together with the costs of the said distress, and the surplus, if any, shall be returned to the party from whom the said rent was claimed to be due: Provided that it shall be lawful for such party to

direct that such sale shall take place in any other manner, such party giving security for any extra costs attending such mode of sale.

Costs of distress.

6. No costs shall be taken or demanded for such distress, except those contained in the Schedule to this Act annexed (marked C), and it shall be lawful for the said Commissioners of the Court out of which such distress is issued, with the sanction of the Governor of the said Settlement to apply the sum so raised as costs towards the payment of the contingent charges and remuneration of the said Bailiffs and Appraisers, as shall appear to the said Commissioners expedient, and the Chief Clerk or other Head Officer of the said Court shall keep a book, in which all sums received as costs upon distresses made under the provisions of this Act, and all sums paid as remuneration to the said Bailiffs and Appraisers, and all contingent charges incurred in respect of such distresses shall be duly entered, and the Chief Clerk or other Officer, as aforesaid, of the said Court, shall also enter in the said book all sums realized by sale of the goods and chattels distrained and paid over to the landlords, under the provisions of this Act.

No distress for arrears of rent amounting to 50 dollars except under this Act.

Penalty.

7. After the passing of this Act, no distress shall be levied for arrears of rent amounting to fifty dollars or less, except under the provisions of this Act; and any person, except such Officer as shall be appointed, under this Act, levying or attempting to levy any such distress, shall be guilty of a misdemeanor, and shall be liable to be punished by fine and imprisonment for the same, in addition to any other liability he may have incurred by such trespass.

Act not to apply to rent due to Government.

8. This Act shall not extend to any arrears of rent exceeding fifty dollars, nor in respect of any house or premises situate out of the local jurisdiction of any such Court, nor to any rent due to Government, nor to any seizure, except on the premises in respect of which such rent is claimed.

Seal of Court.

9. A seal shall be made for every Court of Requests in the said Settlement under the direction of the Governor of the said Settlement, and all summonses and other process issuing out of any such Court shall be sealed or stamped with the seal of the Court; and every person who shall forge the seal or any process of any such Court, or who shall serve or enforce any such forged process knowing the same to be forged, or deliver or cause to be delivered to any person any paper falsely purporting to be a copy of any summons or other process of such Court, knowing the same to be false, or who shall act, or profess to act under any false color or pretence of the process of the said Court, shall be guilty of felony.

Mode of examining witnesses.

10. Every person who shall give evidence in any Court of Requests in the said Settlement shall be examined on oath, or when exempt by law from taking an oath, on solemn affirmation; and every person, who, in any examination upon oath or solemn affirmation, under this Act, shall wilfully and corruptly give false evidence shall be deemed guilty of perjury.

Summonses to witnesses.

11. Either of the parties to a suit or any other proceeding in any Court of Requests in the said Settlement may obtain, at the Office of the Clerk of such Court or other Officer as aforesaid, summonses to witnesses, with or without a clause, requiring the production of books, deeds, papers and writings in their possession or control, and in any such summons any number of names may be inserted.

Penalty for witness not appearing, &c.

12. Every person, on whom any such summons shall have been served, either personally or in such other manner as shall be directed by the general rules or practice of the Court of Requests out of which such summons shall issue, and who shall refuse or neglect, without sufficient cause, to appear or to produce any books, papers, or writings required by such summons to be produced, and also every person present in any such Court, who shall be required to give evidence, and who shall refuse to be sworn and give evidence, shall forfeit and pay such fine, not exceeding fifty dollars, as the Commissioners of such Court shall impose on him, and the whole or any part of such fine in the discretion of the Commissioners after deducting the costs, may be applied towards indemnifying the party injured by such refusal or neglect.

Issue of warrant for arrest of defendant evading process or concealing property.

13. The Commissioners of any Court of Requests in the said Settlement, in all suits where the debt or demand exceeds the sum of fifteen dollars, upon proof before them that any defendant, against whom a summons has been taken out, conceals himself from, or otherwise evades process of, such Court, or is disposing of his property and effects, with intent to defraud the plaintiff or his creditors generally, or is about to withdraw his person or effects from the jurisdiction of such Court, may issue a warrant for the apprehension of such person, and may commit him to gaol, until he shall find security for his appearance in such Court, from time to time, until judgment shall be pronounced in the suit commenced by such summons, and for payment of the amount and the costs which may be decreed against him therein.

Enforcement of fines.

14. Payment of any fine imposed by any Court of Requests under the authority of this Act may be enforced upon the order of the Commissioners of such Court in like manner as payment of any debt adjudged in the said Court, and shall be accounted for as herein provided.

Execution may issue either against person or property of debtor.

15. Whenever any Court of Requests in the said Settlement shall have made an order for the payment of money, the amount shall be recoverable, in case of default or failure of payment thereof forthwith, or at the time or times and in the manner directed, by execution against the body or the goods and chattels of the person against whom such order is made, without further notice or order, and the Clerk of the said Court or other Officer as aforesaid, at the request of the person prosecuting such order, shall issue under the seal of the Court a writ of execution to one of the Bailiffs of such Court, which shall be his warrant to take the body of such person in execution, or to

levy, or cause to be levied by distress and sale of the goods and chattels of such person, such sum of money as shall be so ordered, wheresoever they may be found within the district of the Court, and also the costs of the execution; and all Constables and other Peace Officers within their several jurisdictions shall aid in the execution of every such writ.

In case of order to pay by instalments, execution to issue on default of payment, without further notice.

16. If any such Court shall have made any order for payment of any sum of money by instalments, execution upon such order shall not issue until after default in payment of some instalment according to such order; and execution or successive executions may then issue without further notice or order for the whole of the said sum of money and costs then remaining unpaid, or for such portion thereof as such Court shall order, either at the time of making the original order, or at any subsequent time, under the seal of the Court.

Warrants in execution against the body.

17. Whenever any warrant shall issue for taking in execution the body of any person under this Act, the Bailiffs of the Court of Requests out of which such Warrant shall issue, shall be empowered, by virtue thereof, to take and convey him to any prison appointed by the Governor of the Settlement to be the prison of such Court there to remain for such term as shall be directed by the warrant not longer than six calendar months, or until he shall sooner perform the order of such Court.

No person to be twice imprisoned, nor execution against body and goods to issue at the same time under same judgment.

18. No person shall be imprisoned twice under the same judgment, nor shall execution against the body and goods issue at the same time under the same judgment.

Warrants in execution against goods.

19. Every Bailiff executing any process of execution issuing out of any such Court against the goods of any person, may, by virtue thereof sieze and take any of the goods of such person (excepting the necessary wearing apparel and bedding of such person or his family, and the tools and implements of his trade), and may also seize and take any money or bank notes, and any cheques, bills of exchange, promissory notes, bonds, specialties or securities for money belonging to any such person against whom any execution shall have issued as aforesaid.

Penalty for contempts of Court.

20. If any person shall wilfully insult any Commissioner, Clerk, or Officer of any such Court, for the time being during his sitting or attendance in Court, or shall wilfully interrupt the proceedings of any such Court, or otherwise misbehave in any such Court, it shall be lawful for any Bailiff or Officer of the Court, with or without the assistance of any other person, by the order of a Commissioner of such Court, to take such offender into custody, and detain him until the rising of such Court; and the Commissioners shall be empowered, if they shall think fit, by a Warrant under their hands, and sealed with the seal of the Court, to commit any such offender to any prison to which they have power to commit offenders under this Act, for any time not exceeding seven days, or to impose upon any such offender a fine not exceeding twenty-five dollars, for every such offence, and in default of payment thereof to commit the offender to any such prison as aforesaid, for any time not exceeding seven days, unless the said fine be sooner paid, or instead of inflicting summary punishment under this Act, may cause the offender to be indicted in the Court of Judicature if the offence be an indictable misdemeanor.

Penalty for assaulting Bailiff, &c., in execution of duty.

21. If any officer or Bailiff of any such Court shall be assaulted while in the execution of his duty, or if any rescue shall be made or attempted to be made of any person arrested or goods levied under process of any such Court, the person so offending shall be liable to a fine not exceeding fifty dollars, to be recovered by order of such Court, or before a Magistrate, and the Bailiff of the Court, or any Peace Officer in any such case, may take the offender into custody (with or without warrant) and bring him before such Court or Magistrate accordingly.

Penalty for Bailiff neglecting, &c., to execute warrant.

22. If any Bailiff of any such Court, who shall be employed to execute any warrant of any such Court, shall, by neglect, or connivance, or omission, lose an opportunity of executing such warrant, then, upon compliant of the party aggrieved by reason of such neglect, connivance, or omission (and the fact alleged being proved to the satisfaction of the Court), the Commissioners of such Court shall order the Bailiff to pay such damages as it shall appear that the plaintiff has sustained thereby, not exceeding in any case the sum of money for which the said execution is issued, and the Bailiff shall be liable thereto, and upon demand made thereof, and on his refusal so to pay and satisfy the same, payment thereof shall be enforced by such ways and means as are herein provided for enforcing a judgment recovered in the said Court, without prejudice nevertheless to the execution of the original warrant.

Penalty for misconduct on part of Clerk, Bailiff, &c.

23. If any Clerk, Bailiff, or other Officer of any such Court acting under colour or pretence of the process of the said Court shall be charged with extortion or misconduct, or with not duly paying or accounting for any money levied by him under the authority of this Act, the Commissioners of such Court may enquire into such matter in a summary way, and for that purpose may summon and enforce the attendance of all necessary parties in like manner as the attendance of witnesses in any case may be enforced, and may make such order thereupon for the repayment of any money extorted, or for the due payment of any money so levied as aforesaid, and for the payment of such damages and costs, as they shall think just, and also if they shall think fit, may impose such fine upon the Clerk, Bailiff, or Officer, not exceeding fifty dollars for each offence, as they shall deem adequate, and in default of payment of any money so ordered to be paid, payment of the same may be enforced by such ways and means as are herein provided for enforcing a judgment recovered in the said Court.

Penalty for Clerk, &c., taking bribe.

24. Every Clerk, Bailiff, or other Officer employed in putting any of the powers of this Act in execution, who shall wilfully and corruptly exact, take, or accept any fee or reward whatsoever,

other than his lawful salary, for any thing done or to be done by virtue of this Act, or on any account whatsoever relative to putting this Act into execution, shall, upon proof thereof before the Court in which such Clerk, Bailiff, or Officer is employed, and in the case of a Clerk, on confirmation of the finding of the Court by the Governor of the said Settlement, be for ever incapable of serving or being employed under this Act in any office of profit or emolument, and shall also be liable for damages as herein provided.

Provision for cases of erroneous execution of process.

25. If any claim shall be made to or in respect of any goods or chattels taken in execution under the process of any Court of Requests under this Act, or in respect of the proceeds or value thereof, by any person not being the party against whom such process has issued, the Clerk of such Court or other Officer as aforesaid, upon application of the Officer charged with the execution of such process, as well before as after any action brought against such Officer, may issue a summons, calling before the said Court, as well the party issuing such process as the party making such claim, and thereupon any action which shall have been brought in the Court of Judicature in respect of such claim, shall be stayed, and the Judge of the Court of Judicature, on proof of the issue of such summons, and that the goods and chattels were so taken in execution, may order the party bringing such action to pay the costs of all proceedings had upon such action, after the issue of such Summons out of such Court of Requests; and the Commissioners of such Court of Requests shall adjudicate upon such claim, and make such order between the parties in respect thereof, and of the costs of the proceedings as to them shall seem fit, and such order shall be enforced in like manner as any order made in any suit brought in such Court.

Limit of damages in actions against Clerk, &c.

26. If any person shall bring any suit in any Court of Judicature in the said Settlement in respect of any grievance committed by the Clerk, Bailiff or Officer of any Court of Requests within the jurisdiction of such Court of Judicature under colour or pretence of the process of the said Court of Requests, and upon the trial of the action no greater damages shall be found for the plaintiff than the sum of two hundred and fifty dollars, no costs shall be awarded to the plaintiff in such action, unless the Judge shall certify in Court, upon the back of the record, that the action was fit to be brought in the Court of Judicature.

Form of conviction.

27. In all cases where any conviction shall be had for any offence committed against this Act, the form of conviction may be in the words or to the effect following (that is to say) Be it remembered that on this day of in the year A. B. is convicted before a Magistrate for the or before a Commissioner acting under Act No. XXIX of 1866) of having (state the offence) and I (or we) the said do adjudge the said to forfeit and pay for the same the sum of [or to be committed to for the space of] given under hand ( ) and seal( ) the day and year aforesaid.

No order, &c., to be quashed for want of form.

28. No order, verdict of judgment, or other proceeding, made concerning the matters aforesaid, shall be quashed or vacated for want of form.

Distress not unlawful on account of defect or informality.

29. Where any distress shall be made for any sum of money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on account of any defect or want of form in the information, summons, conviction, warrant of distress or other proceeding relating thereto, nor shall the party distraining be deemed a trespasser from the beginning on account of any irregularity which shall afterwards be committed by the party so distraining, but the person aggrieved by such irregularity may recover full satisfaction for the special damage in an action upon the case.

Limitation of actions.

30. All actions and prosecutions to be commenced against any person for any thing done in pursuance of this Act shall be commenced within three calendar months after the fact committed, and not afterwards, and notice in writing of such action, and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and no plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action is brought, or if after action brought a sufficient sum of money shall have been paid into Court, with costs by or on behalf of the defendant.

A.

In the Court of Requests in and for the Station of (as the case may be).

FORM OF WARRANT.

I HEREBY direct you to distrain the goods and chattels on the premises of A. B. situate in in the for the sum of dollars, being the amount of months' rent due to C. D. for the same, on the day of last, according to the provisions of the Act No. XXIX of 1866, dated 1st day of May.

(Signed and Sealed)

To

E. F.

Sworn Bailiff and Appraiser.

B.

In the Court of Requests in and for the Station of (as the case may be.)

FORM OF INVENTORY AND NOTICE.

(State particulars of goods seized).

TAKE Notice that I have this day seized the goods and chattels contained in the above inventory for the sum of dollars being the amount of months' rent due to C. D. at last, and that unless you pay the amount thereof, together with the costs of this distress, within five days from the date hereof, or obtain an order from one of the Commissioners of

the Court of Requests to the contrary, the same will be appraised and sold pursuant to the provisions of the Act No. XXIX of 1866.

(Signed) E. F.,
Sworn Bailiff and Appraiser.

To
A. B.

C.

In the Court of Requests in and for the Station of

SCALE OF FEES TO BE LEVIED IN DISTRAINTS FOR HOUSE-RENT.

SUMS SUED FOR.	Affidavit, &c., Warrant to distrain.	Order to sell.	Commission.	Total.	REMARKS.
	Dol. ct	Dol. ct	Dol. ct	Dol. ct	
1 and under 5 Dollars					
5 and under 10 "					
10 and under 15 "					
15 and under 20 "					
20 and under 25 "					
25 and under 30 "					
30 and under 35 "					
35 and under 40 "					
40 and under 45 "					
45 and under 50 "					

The above Scale is intended to include all expenses, except in suits where the tenant disputes the landlord's claim, and witnesses have to be subpœnaed, in which case each subpœna for sums under must be paid for at each, and above that amount, and also where peon swere kept in charge of property distraint, per day must be paid per man.

D.

In the Court of Requests in and for the Station of (as the case may be.)

A. B. (Plaintiff.)
versus
C. D. (Defendant.)

A. B., inhabitant of in the Station of maketh oath and saith, that C. D., who is also an inhabitant of the town of is justly indebted to in the sum of dollars for arrears of rent of the house and premises No. situated at in the Station of due for month, to wit from to at the rate of dollars per mensem.

Sworn before me, the day of 18 .

Commissioner.

E.

In the Court of Requests in and for the Station of (as the case may be.)

TAKE Notice that we have appraised the goods and chattels seized on the under the provisions of the Act No. XXIX of 1866 of which a Notice and Inventory had been duly served upon you under date the , and that the said goods and chattels will be sold on the at pursuant to the provisions of the said Act.

(Signed) E. F.,
" G. H.,
Sworn Bailiffs and Appraisers.

To
A. B.

WHITLEY STOKES,
Asstt. Secy. to the Govt. of India,
Home Dept. (Legislative).

HOME DEPARTMENT.

No. 5626.

Simla, the 19th October 1866.

Notifications.—Mr. A. M. Monteath received charge of the Office of Director General of the Post Office of India, from the Hon'ble H. B. Riddell, on the forenoon of the 15th instant.

No. 5688.

The 23rd October 1866.

Lieutenant W. L. Noverre, while officiating as Assistant Commissioner of Chanda in the Central Provinces, is invested with the powers of a subordinate Magistrate of the 2nd Class, as described in Section 22 of Act XXV. of 1861.

No. 5690.

Cazee Noorooddeen Alli, Tehseeldar of Golah in the Mohumdee District in Oudh, is invested with the powers of a subordinate Magistrate of the 1st Class, as described in Section 22, Act XXV. of 1861, to be exercised within the limits of his Tehseelee.

No. 5692.

Captain J. Duval, Superintendent of Police, 1st Grade, British Burmah, is transferred to the Prome District until further orders, with effect from the 21st August 1866.

Lieutenant R. F. Litchfield, Assistant Superintendent of Police, British Burmah, is transferred to the Prome District until further orders, with effect from 19th August 1866.

No. 5694.

In Notification No. 4160, dated the 31st August, published in the *Gazette* of the 1st September 1866, for "*Shwey gyeen*" read "*Shwe gyeen.*"

No. 5696.

Lieutenant H. R. Thuillier, R. E., 1st Assistant, Great Trigonometrical Survey of India, is granted privilege leave for a month and a half, with effect from the 1st instant.

No. 5698.

The leave of absence on furlough granted to to Mr. M. Brodhurst, of the Civil Service, on the 15th April 1865, is extended from two to three years.

No. 5701.

Under Section 8 of Act V. of 1865, the Governor General in Council is pleased to grant Licenses to the undermentioned gentlemen to solemnize marriages in the Province of Mysore:—

Revd. B. Rice, } Missionaries of the London
Revd. C. Campbell } Mission Society.

No. 5732.

The 24th October 1866.

The Venerable J. H. Pratt, M.A., Archdeacon of Calcutta, has obtained leave of absence on private affairs from the 22nd to the 27th September inclusive, under Rule XXVIII. of the Furlough and Absentee Rules for Chaplains.

No. 5734.

Mr. T. Wilson, Assistant Commissioner, 3rd Grade, Oudh, is invested with the powers of a Magistrate, as described in Section 22 of Act XXV. of 1861.

No. 5736.

The Reverend Henry Smith, D. D., and the Reverend C. E. Hadow, B. A., of the Bengal Ecclesiastical Establishment, have been permitted by the Secretary of State to retire from the service from the 3rd and 28th September, respectively.

No. 5738.

Mr. A. Bucknall, Assistant Superintendent of Telegraphs, Pegu Division, has obtained leave of absence for three months on medical certificate, with effect from the 17th July last—the date on which he was relieved of the charge of his Sub-Division.

No. 5740.

Lieutenant G. W. C. H. Miller, while officiating as Assistant Commissioner, Nagpore in the Central Provinces, is invested with the powers of a subordinate Magistrate of the 2nd Class, as described in Section 22 of Act XXV. of 1861.

No. 5742.

Moonshee Huzaree Lall, Extra Assistant Commissioner in Oudh, is invested with the powers of a subordinate Magistrate of the 1st Class, as defined in Section 22 of Act XXV. of 1861.

No. 5768.

The 25th October 1866.

Mr. C. A. Stuart, Post Master, Bombay, has obtained privilege leave of absence for three months, under Section 16 of the Uncovenanted Service Absentee Rules, from the date on which he may avail himself of the leave.

No. 5769.

The Governor General in Council is pleased to permit Mr. W. C. Eades to resign the Civil Service, with effect from the 14th July 1866.

No. 5772.

Assistant Surgeon R. Dempster, attached to Her Majesty's 1st Madras Native Infantry, is appointed to the Civil medical charge of Hoshungabad in addition to his other duties.

Doctor Dempster is invested with the powers of a Magistrate, to be exercised within the limits of the Hoshungabad Jail.

No. 5791.

The Governor General having notified his intention of leaving Simla on the 1st November 1866, His Excellency in Council is pleased to direct that the Council of the Governor General shall after that date, and until further notice, assemble at Calcutta in the territories under the Government of the Lieutenant Governor of Bengal.

No. 5805.

The 26th October 1866.

The undermentioned native gentlemen, residents of the Hoshungabad District in the Central Provinces, are appointed to be Honorary Magistrates, and are severally invested with the powers of a subordinate Magistrate of the 2nd Class, to be exercised within the limits of their respective estates:—

Roshun Ally, of Seonee.
Prag Chund Chowdry, of Russlepoor.
Nund Ram, Zemindar of Mogurdha.
Dulput Chowdry, of Chowrahate.

E. C. BAYLEY,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

No. 177.

MILITARY.

Simla, the 23rd October 1866.

Notification.—The appointment of Lieutenant L. F. Jamieson, of the 7th Hussars, to be 2nd Doing-duty Officer, 1st Regiment, Central India Horse, in G. O. No. 157, dated 12th ultimo, is cancelled, and the services of that Officer are placed at the disposal of the Military Department.

No. 1621.

GENERAL.

The 23rd October 1866.

Notification.—Captain J. Allardyce, Deputy Commissioner, Oomrawuttee District, and Captain J. G. Bell, Deputy Commissioner, Mehkur District in Berar, have been permitted to exchange Districts from the 15th proximo.

No. 1623.

Leaves.—Privilege leave for thirty days is granted to Captain H. S. V. Fisher, Assistant Commissioner, Oudh.

No. 1625.

Privilege leave for thirty days is granted to Captain H. F. Newmarch, Deputy Commissioner of Bhundara in the Central Provinces.

No. 1627.

Oulad Hossein, Deputy Collector of Settlements in the Central Provinces, has obtained one month's leave on medical certificate, in extension of the four months' leave granted in G. O. No. 956, dated 20th June last.

No. 1653.

The 26th October 1866.

Privilege leave for three months is granted to Captain A. Farrer, Assistant Commissioner, Hyderabad Assigned Districts.

W. MUIR,

Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 2873.

Simla, the 22nd October 1866.

Notifications.—Mr. W. J. Raynor, 1st Assistant Accountant General, Madras, returned from leave of absence on medical certificate on the afternoon of the 8th ultimo, and has been authorized to do general duty in the Accountant General's Office from that time.

No. 2933.

The 25th October 1866.

Mr. E. Rule, an Officer of the 4th Class of the Financial Department, attached to the Office of the Comptroller General of Accounts, has been allowed leave of absence on medical certificate for fifteen months from the 9th instant.

Mr. W. Greenway, Officiating Assistant to the Head Commissioner of the Department of Issue of Government Paper Currency, Calcutta, is appointed Assistant to the Deputy Commissioner, Paper Currency, Allahabad.

Mr. F. Greenway, Head Assistant to the Mint Master, Calcutta, is appointed Assistant to the Head Commissioner of the Department of Issue of Government Paper Currency, Calcutta.

Mr. G. Bagley, an Officer of the 5th Class of the Financial Department, is appointed to officiate as Assistant to the Deputy Commissioner of Paper Currency at Allahabad, in addition to his substantive duties, until the arrival of Mr. W. Greenway.

No. 2988.

The 26th October 1866.

Mr. R. A. Sterndale, Assistant Commissioner of Paper-Currency in charge of the Exchange Department, Calcutta, is allowed an extension, up to the 1st proximo, of the privilege leave granted to him in Financial Notification No. 2368, dated the 14th instant.

No. 2987.

The 25th October 1866.

Statement of the amount of Government Currency Notes in circulation, of the amount of Coin and Bullion reserve, and Government Securities held by the Department of Issue of Paper Currency :—

Date of Returns.	Circles of Issue.	Notes in circulation.	Silver Coin reserve.	Gold Coin reserve.	Silver Bullion reserve.	Government Securities held in Calcutta.	Notes of other Circles.
1866.		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
29th Sept.	Calcutta Circle	2,75,75,720	64,57,517	2,10,000	45,42,878	1,89,77,265	28,88,060
Ditto ...	Allahabad Branch Circle	29,63,820	18,60,504	25	.....	11,03,291	
Ditto ...	Lahore ditto ditto	26,05,720	19,05,683	.....	.....	7,00,037	
Ditto ...	Nagpore ditto ditto	26,87,980	21,40,099	.....	.....	5,47,881	
Ditto ...	Madras Circle	69,00,000	27,97,255	.....	.....	30,02,845	10,99,900
Ditto ...	Calicut Branch Circle	11,19,980	10,17,821	2,100	.....	1,00,059	
Ditto ...	Trichinopoly ditto ditto	9,25,370	8,25,251	60	.....	1,00,059	
Ditto ...	Vizagapatam ditto ditto	3,28,440	2,28,381	.....	.....	1,00,059	
Ditto ...	Bombay Circle	5,00,50,000	3,35,69,298	.....	.....	1,63,20,702	1,50,000
Ditto ...	Kurrachee Branch Circle	12,99,490	7,99,384	.....	.....	5,00,106	
		9,64,56,520					36,37,960
	DEDUCT— Notes of other Circles cashed at Calcutta, Madras, and Bombay	36,37,960					
	Total	9,28,18,560	5,16,01,193	2,12,185	45,42,878	3,64,62,304	

CALCUTTA,
DEPT. OF ISSUE OF PAPER CURRENCY;
The 5th October 1866.

(Signed) J. A. BALLARD,
Offg. Head Commissioner of Paper Currency.

No. 2995.

In continuation of the Notification No. 2264, dated the 6th September 1866, issued from this Department, the following Statement shewing the financial position of the several Guaranteed Railway Companies, quoad the Government, is published for general information :—

State of the Capital Accounts of the Indian Railway Companies on the 31st July 1866.

Railway Company.	Amounts authorized to be raised.			Amounts paid by the Railway Companies.					Amounts withdrawn by the Railway Companies.			Balances standing to the credit of the Railway Companies.	Amounts advanced to the Railway Companies, in excess of the amount to their credit.
	Capital.	Debenture Loans.	Total.	Capital subscribed in England.	Capital subscribed in India.	Total Capital.	Debenture Loans.	Total.	In England.	In India.	Total.		
East Indian:	£.	£.	£.	£.	£.	£.	£	£.	£.	£.	£.	£.	£.
Main Line	22,279,940	5,470,060	27,750,000	16,544,684	281,088	16,825,772	4,470,060	21,295,832	7,385,932	15,420,053	22,805,985	... ...	94,774
Jubbulpoor	2,008,040	1,191,960	3,200,000	1,960,205	7,665	1,967,870	1,191,960	3,159,830	198,381	1,546,070	1,744,451		
Madras:													
Main Line	4,539,950	1,460,050	6,000,000	3,535,830	.....	3,535,830	1,421,750	4,957,580	3,262,923	4,626,585	7,889,508	7,579	
Bellary	3,000,000	. ...	3,000,000	2,939,507	. ..	2,939,507		2,939,507					
Great Indian Peninsula	14,000,000	3,000,000	17,000,000	11,292,301	424,598	11,716,899	2,789,500	14,506,399	5,090,241	9,269,048	14,359,289	147,110	
Sind:													
Sind Railway	1,919,200	330,800	2,250,000	1,647,155	21,695	1,668,850	330,800	1,999,650	857,316	1,139,210	1,996,526	3,124	
Indus Flotilla	542,600	81,400	624,000	306,005	.....	306,005	25,400	331,405	396,686	95,093	491,779	.. ...	160,374
Punjab:													
Mooltan	2,000,000	600,000	2,600,000	1,528,968	8,404	1,537,372	500,000	2,037,372	1,028,028	1,411,496	2,439,524	... ...	402,152
Delhi	5,000,000	... ..	5,000,000	1,072,086	5,412	1,077,498	... ...	1,077,498	629,131	570,312	1,199,443	.. ..	121,945
Bombay, Baroda and Central India ...	5,711,350	1,288,650	7,000,000	4,860,251	21,664	4,881,915	806,845	5,688,760	2,007,861	3,879,386	6,487,247	... ...	798,487
Eastern Bengal	1,500,000	600,000	2,100,000	1,185,695	10,176	1,195,871	598,300	1,794,171	863,959	908,432	1,772,391	21,780	
Calcutta and South-Eastern	327,800	272,200	600,000	308,177	19,988	328,165	148,850	477,015	229,623	311,710	541,333	... ...	64,323
Great Southern of India	874,500	275,500	1,150,000	761,579	1,221	762,800	195,100	957,900	576,011	555,804	1,131,815	... ..	173,915
Total ...	63,703,380	14,570,620	78,274,000	47,912,443	801,911	48,714,354	12,478,565	61,222,919	23,126,097	39,733,199	62,859,296	179,593	1,815,970

Net amount advanced to the Railway Companies ... £1,636,377

Published by Order of the Governor General of India in Council.

No. 3014.

The 26th October 1866.

The following Financial Despatch from the Right Hon'ble the Secretary of State for India, No. 126, dated 4th June 1866, and the Act XXIX. Vic., Cap. 18, are published for general information :—

FINANCIAL. INDIA OFFICE,

No. 126. *London, the 4th June* 1866.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—Para. 1. The several letters specified in the margin, relative to the affairs of the Bengal, Madras, and Bombay Military Funds, and Bengal Military Orphan Society, having been considered by me in Council, I have now to inform you of the measures which have been taken for giving effect to the desire of the subscribers, for the transfer of the assets and management of those institutions to the Government.

Military Letters from India, dated—
3 th August 1864, No. 307.
8th November " " 384.
5th December " " 431.
17th April 1865, " 191.
5th October " " 422.
7th November " " 482.
Military letter from Bombay, dated 8th December 1864, No. 79.

2. The guarantee given to the subscribers was defined in Sir Charles Wood's Financial Despatch to your Government, dated the 24th March 1864, as securing "to present incumbents on, and subscribers to the several funds the pensions and allowances for themselves and their families to which they are entitled from those funds, according to the regulations now in force, and at the present rates of subscription; but this guarantee must not be construed as conveying to any fund or to any member of it, benefits which are not actually provided for in the Regulations, as at present in force."

3. The Act 29 Vict., cap. 18, which authorizes the transfer of the several funds to Government, and copies of which are forwarded herewith, provides in Section 2, that,—"As soon as the said assets, liabilities, and management shall be made over as aforesaid, and the acceptance thereof by the Secretary of State for India in Council notified by the Government of India, every person who shall be an incumbent on or subscriber to any of the said institutions at the date of such notification, shall be entitled from time to time to receive from the revenues of India such allowance to himself, and his family shall be entitled to receive such pension or allowance after his decease, as he or they may be entitled to by the Regulations of the said institutions: Provided that nothing in this Act contained shall be held to preclude the Secretary of State for India in Council from assigning to the incumbents on and subscribers to any of the said institutions, or to their families after their decease, any benefits in addition to those secured to them by this Act, if, on considering the assets and liabilities of the several institutions, he shall deem it reasonable so to do."

4. The existing rules of the funds must, therefore, remain unaltered, and any claim that may be made in India, which is not provided for in those rules, must be forwarded for the decision of the Home Government.

5. It is necessary that a date should be fixed for taking over the assets and management of the several funds, and it would obviously be expedient that the transfer should be made on the same date both in India and in England. The pensions being payable after the 31st March, 30th June, 30th September, and 31st December in each year, the transfer could not be effected so as to admit of the pensions for the June quarter being paid under the new system; but arrangements might be made for the payment of the pensions for the following quarter. Monday, the 10th of September, has accordingly been named for the formal transfer, both in India and England, and a communication will be made to the agents in this country accordingly. I desire that you will adopt measures, in communication with the managers of the several funds, for the transfer in India on the same day, and for the publication of a notification according to the terms of the Act of Parliament. If any difficulty, not foreseen in this country, should arise in India, in regard to the date of transfer, you will inform me immediately.

6. In order to provide for the future conduct of the business of the Military Funds in this country, a Fund Department has been created in this Office, consisting of a Director of Military Funds, a Deputy, and the necessary establishment of clerks, aided by a Consulting Committee, to whom any question on which its opinion may be desired can be referred. This Department is constituted as specified in the margin.

Director of Military Funds and Chairman of Consulting Committee:
Mr. T. L. Seccombe.

Deputy ditto & ditto:
Mr. Algernon E. West.

Committee:
Lieut.-Colonel Freeth, Bengal Army.
The Rev. E.K. Maddock, M.A., late ditto.
Colonel J. T. Smith, Madras ditto.
Bombay ditto.

7. It will obviously be necessary that there should be a Government Fund Department at each Presidency, and it would probably be sufficient if it consisted of one officer, with the requisite establishment. I request, therefore, that you will take measures for establishing a Government Fund Department accordingly, and that, as far as may be practicable, the services of the persons at present employed in the Fund Offices, should be made available in the new Departments.

8. You will apprise me of the way in which you propose to deal, in your accounts, with the assets of the funds, before any final measures are adopted in reference thereto.

9. The importance of making adequate arrangements for the prompt collection of the subscriptions and donations of those subscribers who are in India, will not be overlooked by you. Every subscriber, on returning to this country, should be furnished with a certificate, showing the state of his account with the Fund; and statements will be forwarded from this country, to the several Governments periodically, of the receipts and payments here on account of the several funds.

10. You will make the necessary communications to the Governments of Madras and Bombay.

I have, &c.,

(Signed) DEGREY & RIPON.

Anno Vicesimo Nono

VICTORIÆ REGINÆ.

CAP. XVIII.

An Act to make Provision for the transfer of the Assets, Liabilities, and Management of the Bengal, Madras, and Bombay Military Funds, the Bengal Military Orphan Society, and other Funds, to the Secretary of State for India in Council.

[30th April 1866.]

WHEREAS certain Institutions known as the *Bengal* Military Fund, the *Bengal* Military Orphan Society, the *Madras* Military Fund, and the *Bombay* Military Fund, were established in *India* at different Times, under the Authority of the Honourable *East India* Company, for the Grant of certain Benefits to the Commissioned Officers of the said Company's Army who were Subscribers to those Institutions, and for the Grant of Pensions and other Allowances to the Widows and Orphans of such Officers, and those Institutions were supported by Donations and Subscriptions from the Officers of the said Company's Army and by certain Aids from the said Company:

And whereas, by the Act of the Twenty-first and Twenty-second *Victoria*, Chapter One hundred and six, for the better Government of *India*, it was amongst other things provided that the Military and Naval Forces of the *East India* Company should be deemed to be the *Indian* Military and Naval Forces of Her Majesty, and should be entitled to the like Pay, Pensions, Allowances, and Privileges, and the like Advantages as regards Promotion and otherwise, as if they had continued in the service of the said Company:

And whereas, in consequence of the Changes subsequently made in the Constitution of the *Indian* Army, Notice was given to the Government of *India* by the Secretary of State for *India* in Council that the said Secretary of State for *India* in Council was ready to assume the Liabilities of the said Institutions, so far as might be requisite to maintain existing Pensions, and to secure to the Subscribers and their Families the Benefits to which they were entitled therefrom, and also that, in the event of such Assumption, present Incumbents on and Subscribers to the several Funds should be guaranteed the Pensions and Allowances for themselves and their Families to which they were entitled from those Funds, according to the Regulations then in force, and at the Rates of Subscription then existing;

And whereas, under Instructions from the Secretary of State for *India* in Council, the Government of *India* caused the Question whether, under the Guarantee so given, the Assets and Liabilities of the said Institutions should be made over by the Directors and Managers thereof to the Secretary of State for *India* in Council, to be submitted for the Votes of the Subscribers to those Institutions, and the Proposition so to make over the Assets and Liabilities of the said Institutions was, in regard to each of the said Institutions, carried in the Affirmative by a large Majority of Votes:

And whereas, in order to avoid any Doubt that may hereafter arise in regard to the Legality of such Transfer, it is necessary to make Provision by Law for enabling the Directors and Managers of the said Institutions to transfer the Assets, Liabilities, and Management thereof to the Secretary of State for *India* in Council, and for enabling the said Secretary of State for *India* in Council to accept the same:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Secretary of State for India in Council may take and assume the Assets, &c., of certain Pension Funds in India.

1. It shall be lawful for the Directors and Managers of the said Institutions to make over the Assets, Liabilities, and Management thereof to the Secretary of State for *India* in Council, and for the Secretary of State for *India* in Council to take and assume the Assets, Liabilities, and Management thereof.

Rights of Incumbents and Subscribers maintained.

2. As soon as the said Assets, Liabilities, and Management shall be made over as aforesaid, and the Acceptance thereof by the Secretary of State for *India* in Council notified by the Government of *India*, every Person who shall be an Incumbent on or Subscriber to any of the said Institutions at the Date of such Notification shall be entitled from Time to Time to receive from the Revenues of *India*, such Allowance to himself, and his Family shall be entitled to receive such Pension or Allowance after his Decease, as he or they may be entitled to by the Regulations of the said Institutions: Provided that nothing in this Act contained shall be held to preclude the Secretary of State for *India* in Council from assigning to the Incumbents on and Subscribers to any of the said Institutions, or to their Families after their Decease, any Benefits in addition to those secured to them by this Act, if, on considering the Assets and Liabilities of the several Institutions, he shall deem it reasonable so to do.

Power to take and assume the Assets, &c., of certain other Pension Funds by consent of the Subscribers thereto.

3. And whereas it may be expedient that the Secretary of State for *India* in Council should have Authority in like Manner to accept the Transfer of the Assets, Liabilities, and Management of other Institutions, known as the *Bengal* Medical Retiring Fund, the *Madras* Medical Fund, and the *Bombay* Medical Retiring Fund, with the Consent of the Subscribers to the said Institutions respectively: It shall be lawful for the Managers or Trustees to make over the Assets, Liabilities, and Manangement of all or any of the said Funds, and for the Secretary of State for *India* in Council to take and assume the same, if at any Time hereafter it shall appear by a Vote, specially taken for the Purpose, that a Majority of not less than Three-fourths of the Subscribers to those Institutions who may vote upon the Question are desirous of transferring them to the said Secretary of State for *India* in Council.

Notification.—Whereas the Managers of the Bengal Military Orphan Society, and the Directors of the Bengal Military Fund, the Madras Military Fund, and the Bombay Military Fund have in the terms of Act XXIX. Victoriæ, Cap., 18 made over the Assets, Liabilities, and Management of the said Institutions, to the Secretary of State for

India in Council with effect from the 10th September 1866; and whereas formal possession of all real and personal property, and of all Books, Papers, and Title Deeds relating thereto, was delivered on or before that date to the said Secretary of State for India in Council, the Governor General in Council hereby notifies the acceptance by the Secretary of State for India in Council, of the Assets, Liabilities and Management of the said Institutions so transferred.

By Order of the Governor General in Council.

No. 3047.

Notification.—In continuation of Notification No. 2661A., dated the 5th instant, the following Statement of Cash Balances, as reported up to this date in the Government Treasuries in India, at the close of the month of August last, contrasted with that of the previous years, is published for general information :—

	August 1864.	August 1865.	August 1866.
	Rupees.	*Rupees.*	*Rupees.*
Govt. of India ...	2,32,32,641	2,01,53,652	1,07,19,088
Bengal ...	1,46,12,132	1,32,94,055	98,73,648
British Burmah .		22,18,576	19,42,255
N. W. Provinces ..	1,99,23,287	1,98,79,828	1,98,15,638
Oudh ...		58,49,477	42,64,806
Punjab ...	1,08,87,655	1,44,44,494	1,10,88,671
Bombay ...	1,77,42,136	1,73,24,311	2,49,30,471
Central Provinces..	49,03,599	45,02,250	44,70,548
Deccan ...	23,18,776	23,08,975	40,81,356
Madras ...	2,57,05,720	1,91,84,881	1,96,46,280
Total Rupees ...	11,93,55,946	11,91,60,499	11,08,32,761

Published by Order of the Governor General in Council,

E. H. LUSHINGTON,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 20th October 1866.

No. 881 *of* 1866.—The leave of absence on medical certificate, granted to Major T. W. Holland in G. G. O. No. 498 of 1866, is to be considered to have effect from 14th May 1866, instead of the 1st May as stated in that order.

The 22nd October 1866.

No. 882 *of* 1866.—Major John Mackillop Mackenzie, of the Bengal Staff Corps, is permitted to proceed to Europe on private affairs under the new Regulations, for the residue, *viz.*, six months and twenty-three days, of the furlough on the same account granted to him in G. G. O. No. 988, dated 28th September 1855, embarking at Bombay, and with preparatory leave to Bombay from the 15th October to the 15th December 1866.

The 23rd October 1866.

No. 883 *of* 1866.—The undermentioned Officer of the Bengal Staff Corps, having completed twenty years' service, is promoted to the rank of Major, from the date specified, under the provisions of G. G. O. No. 808 of 26th September 1866, subject to Her Majesty's approval :—

Captain William Sheffield ... 14th October 1866.

No. 884 *of* 1866.—The following promotions are made, from the date specified, under the provisions of the Right Hon'ble the Secretary of State's Despatch published in G. G. O. No. 808 of 26th September 1866, subject to Her Majesty's approval :—

BENGAL STAFF CORPS.

To be Lieutenant-Colonels :

Major (Brevet Lieutenant-Colonel) Alexander Robinson
Major (Brevet Lieutenant-Colonel) Arthur Walshman Owen ... ... } 12th September 1866.

To be Majors :

Captain (Brevet Major) Melville Francis Evatt ..
Captain (Brevet Major) Danvers Henry Osborn ...
Captain (Brevet Major) William Munnings Lees ...
Captain (Brevet Major) Hungerford Meyer Boddam ...
Captain (Brevet Major) Robert Murray ..
Captain (Brevet Major) William Robert Gordon .. } 12th September 1866.

To be Captains :

Lieutenant (Brevet Captain) Willoughby Charles Stanley Clarke ...
Lieutenant (Brevet Captain) Thomas Richard Devereaux Bingham ... } 12th September 1866.

No. 885 *of* 1866.—The undermentioned Officers have reported their return from England :—

	Date of arrival at Fort William.
Major G. Swiney, of the Bengal Staff Corps, District Superintendent of Police, 3rd Grade, Jaloun	10th October 1866.
Captain (Brevet Major) E. Oakes, of the late 6th European Regiment	
Captain W. W. Boddam, of the Bengal Staff Corps, District Superintendent of Police, 1st Grade, Rohtuck	

	Date of arrival at Fort William.
1st Class Veterinary Surgeon H. C. Hulse, of the Bengal Establishment	10th October 1866.

No. 886 *of* 1866.—The under mentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate :—

Captain Francis Hill Macnaghten, of the late 5th European Light Cavalry, Doing-duty Officer and Officiating Sub-Assistant, Stud Department.. Lieutenant John Nugent Fitzgerald, of the late 43rd Regiment, Madras Native Infantry; Quarter Master, 37th Regiment, Madras Native Infantry (Grenadiers) ...	For twenty months, under the new Regulations.

No. 887 *of* 1866.—The undermentioned Officer of the Medical Department, having completed twenty years' service, is promoted to the rank of Surgeon Major, from the date specified, under the provisions of G. G. O. No. 507 of the 20th June 1864, subject to Her Majesty's approval :—

Surgeon James Bannatyne Samuel Brown ...	20th October 1866.

No. 888 *of* 1866.—Supernumerary Surgeon Philip Warren Sutherland is brought on the establishment of Surgeons, to fill an existing vacancy.

No. 889 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following appointment :—

PUNJAB FRONTIER FORCE.

5th Infantry:

Lieutenant W. F. S. Perry, of the General List, Infantry, 1st Wing Subaltern, to officiate as Adjutant, during the absence on sick leave of Lieutenant Hall, or until further orders.

The 24th October 1866.

No. 890 *of* 1866.—The following paragraphs of a Military letter from the Right Hon'ble the Secretary of State for India, No. 87, dated 25th April 1866, are published for general information :—

In continuation of Sir Charles Wood's Despatch dated the 16th November last, No. 330, I have to acquaint you that, having considered in Council the question of the reduction of rank and file in each Regiment of British Cavalry and Infantry in India, as proposed by His Excellency the Commander-in-Chief, I approve of the reduction to the extent shewn in the margin.

56 men in each Regiment of Cavalry, 60 men in each Regiment of Infantry.

2. By a communication from the Secretary of State for War I have been informed that the supply of drafts during the ensuing season for British Regiments serving in India, will be regulated in accordance with the revised establishment.

No. 891 *of* 1866.—It is hereby notified that, for the future, certificates of "No Demand" in the Civil and Military Accounts Departments will no longer be required from Officers of the Public Works Department proceeding on leave or retiring from the service; but that such certificates will only be required from the Public Works Controller of Accounts of the Province in which an Officer of that Department is serving.

2. It is further notified that all claims occurring in the Military Department against Officers of the Public Works Department, will be intimated immediately on their occurrence by the Military Accountant of the Presidency, to the Accountant General, Public Works Department, and will be thereon adjusted under the rules provided for the adjustment of accounts in the Public Works Department.

No. 892 *of* 1866.—The following order issued by the Resident at Hyderabad, is confirmed :—

No. 162, *dated the* 11*th October* 1866.—Granting Captain R. K. Macquoid, 2nd in Command, 5th Infantry, Hyderabad Contingent, leave of absence for the 26th and 27th August 1866, in extension of the leave on private affairs granted in G. G. O. No. 491 of the 4th June 1866, to enable him to join.

No. 893 *of* 1866.—Agreeably to G. G. O. No. 94, dated 1st May 1837, the following individuals are admitted to a pension equal to that conferred by the 3rd Class Order of Merit on their late husbands,—Jemadar Noor Khan, of the late 48th Regiment, Native Infantry, and Jemadar Gholam Ally Khan, 16th Lucknow Regiment, Native Infantry:—

Name of Claimant.	Age.		Height.		Caste	Personal appearance and particular marks	Village and Country.	Nature of relationship to the deceased.	Description of the deceased on whose accounts claims are made.			Date of Admission.	Date of Committee's Proceedings.	Amount of Pension.	For what period.	By what Pension Pay Master payable.
	Years.	Months.	Feet.	Inches.					Name.	Rank.	Last Corps					
Ellaheejan	18	...	5	...	Mussulmanee ...	Complexion fair; has a small mole midway between the elbow and shoulder of the right arm; has a mark on the right cheek as if from a scald, though she says it is from a boil	City Cawnpore, Pergunnah Cawnpore, District Cawnpore	Widow	Noor Khan	Jemadar.	48th Regt. N. I	31st March 1866.	15th August 1866.	:	For three years.	Cawnpore.
Ruhmanee ..	34	..	4	8	Ditto	Complexion fair, has had her nose torn through by a nose ring; has two scars above the right elbow	Village Muhyn, Pergunnah Mahomadabad, District Ghazeepore	Ditto	Gholam Ally Khan .	Ditto	16th Lucknow Regt N I	10th May 1866	14th July 1866.		For three years.	Dinapore.

No. 894 *of* 1866.—The prescribed superior rate of pension for service exceeding forty years, with unblemished character, is granted to the undermentioned Native Commissioned, Non-Commissioned Officers and men, with effect from the date of their transfer to the Invalid Establishment :—

Rank.	Names.	In what rank pensioned.
	Bengal Sappers and Miners.	
Subadar	Sewsahaie (3rd Class Order of Merit)	Subadar.
	13*th Bengal Cavalry.*	
Sowar	Alladad Khan	Sowar.
	3*rd Regiment, Native Infantry.*	
Jemadar ...	Adjudiapersad Sookul	Jemadar.
Ditto	Buctour Khan	Ditto.
	5*th Regiment, Native Infantry.*	
Jemadar	Meer Kullundur Ally	Jemadar.
Havildar	Nypaul Pandy	Havildar.
	7*th Regiment, Native Infantry.*	
Drummer	J. Johnson	Drummer.
	9*th Regiment, Native Infantry.*	
Drummer	Moorad Khan	Drummer.
	17*th Regiment, Native Infantry.*	
Drummer	Swarris Levarroo	Drummer.
	18*th Regiment, Native Infantry.*	
Subadar	Sheik Chukowree	Subadar.
	19*th Bengal Cavalry.*	
Ressaldar	Eunus Khan	Ressaldar.
	Right Wing, 10*th Regiment, Native Infantry.*	
Subadar	Shaick Uttoo	Subadar.
	33*rd Regiment, Native Infantry.*	
Drummer	James Bell	Drummer.

No. 895 *of* 1866.—The undermentioned men declared unfit for further service by Annual Invaliding Committees, are transferred to the Pension Establishment :—

Rank.	Names.	In what rank pensioned.	Circle of payment.
	E. Battery, 16th Brigade, Royal Artillery.		
Syce ...	Chungoo	Syce	Benares.
Ditto	Newaz Khan	Ditto	Lucknow.
Ditto	Muttow	Ditto	Benares.
Ditto	Buddoo	Ditto	Ditto.
Bullock Driver ...	Ramjawan	Bullock Driver ..	Lucknow.
	C. Battery, 19th Brigade, Royal Artillery.		
Grasscutter ...	Sookall	Grasscutter ..	Cawnpore.
	F. Battery, 19th Brigade, Royal Artillery.		
Grasscutter ...	Jowallah	Grasscutter ...	Cawnpore.
	F. Battery, C. Brigade, Royal Horse Artillery.		
Grasscutter ...	Gunga	Grasscutter ...	Meerut.
Ditto	Kooshallee	Ditto	Ditto.
Ditto	Buldawn	Ditto	Lucknow.
Ditto	Jeyan	Ditto	Ditto.
	7th Dragoon Guards.		
Syce	Matardeen...	Syce	Benares.
Ditto	Adjhab	Ditto	Ditto.
Ditto	Allahabux	Ditto	Lucknow.
Grasscutter ...	Jerawun	Grasscutter ...	Meerut.
Ditto	Jhan	Ditto	Ditto.
Ditto	Rukaie	Ditto	Lucknow.
Ditto	Geesah	Ditto	Ditto.
Ditto	Hirmraj	Ditto	Ditto.
Ditto	Poorun	Ditto	Cawnpore.
Ditto	Muneah	Ditto	Ditto.
Ditto	Louton	Ditto	Benares.
Ditto	Bundhoo	Ditto	Lucknow.
Ditto	Dukhoo	Ditto	Benares.
	101st Foot.		
Lascar	Oogar	Lascar	Dinapore.
	14th (Ferozepore) Regiment, Native Infantry.		
Havildar... ...	Matab Singh	Naick	Meerut.
Ditto	Nowab	Ditto	Ditto.
Sepoy	Nund Singh	Sepoy	Ditto.
	1st Goorkah Regiment.		
Subadar	Beer Singh Kathaith	Subadar... ...	Meerut.
	Attached to the Gun-Carriage Agency.		
3rd Class Native Doctor	Imam Bux	3rd Class Native Doctor	Lucknow.
	20th Hussars.		
Grasscutter ...	Chowpie	Grasscutter ...	Meerut.
	Attached to the 42nd Native Infantry.		
1st Class Native Doctor	Sheikh Ibrahim	1st Class Native Doctor	Dinapore.

No. 896 *of* 1866.—Agreeably to G. G. O. No. 181 of 12th December 1833, the undermentioned heirs of deceased soldiers are admitted to the Native Family Pension, from the dates specified opposite to their respective names; and the Pay Master of Pensioners, in whose circles the undermentioned individuals reside, will furnish the prescribed Rolls to the Department of Audit, and to the parties concerned :—

Names of Claimants.	Age.		Height.		Caste.	Personal appearance and particular marks.	Village and Country.	Nature of relationship to the deceased.	Description of the deceased relations on whose account claims are made.			Date of Admission.	Date of Committee's Proceedings.	Amount of Pension.	For what period.	By what Pension Pay Master payable.
	Years.	Months.	Feet.	Inches.					Name.	Rank.	Last Corps.					
Mootaien ...	36	...	5	...	Gwallin .	Large scar over right eye	Village Kunsipore, Pergunnah Sultanpore, District Oudh	Widow	Ramdeen	Sepoy .	11th Regt. N. I.	22nd Nov. 1865	9th May 1866	2-12-0	For life	Lucknow.
Kutrunneah ...	15	...	4	9	Rajpootnee	Mark of a mole under the left eye	Village Juroor, Pergunnah Deogong, Oudh	Ditto	Adjoodeah .	Ditto	Ditto	21st Jan. 1865	16th March 1866	2-12-0	Ditto	Benares.
Lutchmee .	36	.	5	¼	Brahmin	Complexion fair; upper teeth prominent; has a small mole on right arm, about 4 inches from wrist	District Roy Bareilly, Pergunnah Dallamow, Village Toolarahie	Ditto .	Doorga Tirbadee	Ditto ..	12th Kelat-i-Ghilzie Regt.	25th March 1865	13th June 1866	2-12-0	Ditto	Cawnpore.
Busserah .	30		5	2¼	Mussulmanie	No particular mark	Village Kukerah, Pergunnah Pertabghur, Province Oudh	Ditto...	Peer Khan	Ditto	11th N. I.	6th Feb. 1865	3rd April 1866	2-12-0	Ditto	Lucknow.
Ameer Kulli .	22		4	9	Rajpoot	Eyebrows separate; light complexion; mole on her right hand; nose bored both sides, and small mark on forehead of scar; features round	Village Khumbee, Zillah Goojrat, Punjab	Ditto	Gholam Kadir	Ditto	30th Punjab N. I.	6th Dec. 1864	17th July 1866	2-12-0	Ditto	Meerut.
Jewun Sing ...	7	...	3	6	Muzbee	Dark complexion; small scar on right cheek	Jeetpon Puthunkote, District Goordaspore	Son	Boor Sing	Ditto	24th Pioneer Regt. of Punjab I.	13th March 1858	15th Dec. 1858	2-12-0	For twelve years	Ditto

The 25th October 1866.

No. 897 *of* 1866.—The following Despatch from the Right Hon'ble the Secretary of State for India, is published for general information :—

MILITARY. INDIA OFFICE;

No. 170. *London, the 31st August* 1866.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—Para. 1. I have received and considered in Council your letter No. 134, dated 16th June 1866, forwarding, for the consideration of Her Majesty's Government, a proposal submitted by His Excellency the Commander-in-Chief in India, that, under the altered organization of the Indian Army, subaltern Officers should not necessarily be required to vacate their appointments on the regimental staff as Adjutants on promotion to the rank of Captain, if their Commanding Officer and the Commander-in-Chief approve of their being retained in such appointments.

2. Sir W. Mansfield has remarked that inconvenience is often found to result from the removal of Officers from their appointments as Adjutant and from their Regiments, on completing the comparatively short service of twelve years, and that he is doing all in his power to restore the regimental *esprit* of the Army by encouraging Officers to remain in Regiments to which they have become affiliated.

3. Your Government consider that no Officer, already holding the rank of Captain, should be appointed to a situation in the regimental staff; but you incline to concur in the opinion of His Excellency, that Officers who possess special qualifications, and are recommended by their Commanding Officers, may be allowed to continue in such appointments after promotion to the rank of Captain—each case being specially considered.

4. It is very desirable that every encouragement should be held out to Officers to remain with the Regiments to which they have been once attached; and I concur with His Excellency the Commander-in-Chief in making it of special importance that the Adjutant should not be too frequently changed.

5. I have considered the present proposal also with reference to the number of subaltern Officers that, under present Regulations, would be required for each Regiment, and the aggregate number of Officers of that rank which will probably be found to constitute the establishment of the several Staff Corps when they shall have attained to a normal condition.

6. As a rule, the position of Doing-duty Officer must be considered as one of inferior importance to that of Adjutant or Quarter Master. You have, however, recently determined to admit Officers of the rank of Captain to the former appointment; and it seems to me, on estimating the probable proportion that will be found hereafter to exist between the number of subaltern Officers and those of the higher grades in the several Staff Corps, that the effect of a continuance of the present Regulation, by which an Officer vacates an appointment on the regimental staff on promotion to Captain, will be either to increase the number of Officers of the higher grade out of employment, or to render inevitable the employment of Captain as Doing-duty Officer.

7. I concur, therefore, in the opinion expressed by your Government upon Sir W. Mansfield's proposal, and consider that it will be to the advantage of the service that Officers who possess special qualifications, and are recommended by their Commanding Officers, should be allowed to continue in appointments on the regimental staff after promotion to the rank of Captain. The rule which precludes the appointment to such situations of Officers already holding that rank, continuing still in force.

I have, &c.,

(Signed) CRANBORNE.

No. 898 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following promotion from the date specified, subject to Her Majesty's approval :—

Veterinary Department.

Veterinary Surgeon of the 1st Class John Siddall, Inspecting Veterinary Surgeon, to be Staff Veterinary Surgeon	20th July 1866.

No. 899 *of* 1866.—Under instructions from the Right Hon'ble the Secretary of State for India, His Excellency the Governor General in Council is pleased to notify to the Army in India, that all Officers who may have left or who may leave the old Indian service and become Officers of new or old line Regiments, or of any other branch of Her Majesty's Military service; and all Officers of the Royal (late Indian) Artillery, or the Royal (late Indian) Engineers, have the option of ceasing or of continuing to subscribe to any of the funds at India rates if drawing Indian allowances, and at Europe rates if not drawing Indian allowances.

2. Those Officers who may elect to remain subscribers are hereby distinctly informed, that the existing rules for their respective funds will remain in force, except as altered by the directions contained in this General Order; and that the responsibility of paying their subscriptions will, for the future, rest entirely with themselves, and any neglect on their part to pay their subscriptions at the proper time will entail on them, and on their families, the forfeiture of all advantages accruing to them, as well as all sums paid by them to the funds; those who may elect to leave the funds are informed that they will in no case again be allowed to become subscribers, and that by ceasing to subscribe, they and their families will forfeit all claims whatsoever on the Military or Orphan Funds.

3. Those Officers who elect to withdraw from the funds, will have their subscriptions returned to them from the 1st of October 1866—being the commencement of the month subsequent to that in which the instructions of Her Majesty's Government, now notified, were received by the Government of India: Provided they signify their wish to that effect to the Adjutant General's Office at their respective Presidencies by the 1st January 1867 if in India, and if out of India by the 31st March 1867, if not, from the date of application only, unless in the case of Officers who have

already applied to withdraw, who will be allowed a refund of all subscriptions paid since the date of their application.

No. 900 *of* 1866.—With reference to the Notification in the Foreign Department, No. 177 of the 23rd October 1866, the services of Lieutenant L. F. Jamieson, of Her Majesty's 7th Hussars, are replaced at the disposal of His Excellency the Commander-in-Chief.

The 26th October 1866.

No. 901 *of* 1866.—In continuation of G. G. O. Nos. 1061 and 1062, dated 23rd December 1864, and under instructions from the Right Hon'ble the Secretary of State for India, concurred in by the Right Hon'ble the Secretary of State for War, the Governor General in Council is pleased to notify that the following arrangements for the organization of the administrative staff of the British and Indian Medical Services in this country, have been sanctioned by Her Majesty's Government:—

2. *British Medical Service.*—The staff of the Medical Department of the British Forces, will be composed as follows:—

BENGAL:

1 Inspector General.
* 6 Deputy Inspectors General.
† 2 Staff Surgeons Major.

MADRAS:

1 Inspector General.
‡ 3 Deputy Inspectors General.
§ 1 Staff Surgeon Major.

BOMBAY:

1 Inspector General.
‖ 3 Deputy Inspectors General.
¶ 1 Staff Surgeon Major.

3. The staff of the Inspector General in Bengal will consist, as at present, of a Secretary and a Statistical Officer; and that of the Inspectors General in the Madras and Bombay Presidencies, of an Assistant Surgeon as Secretary and Statistical Officer in one.

4. The Inspectors General of the British Medical service in the three Presidencies will no longer be considered as attached to Army Head Quarters, but will be directly subordinate to the Government of India, or to the Government of the Presidency to which they belong; and their offices will henceforward, in like manner with those of the heads of the Indian Medical Department, be at the seat of Government.

5. Although in future these Officers will be directly subordinate to the Government, and no longer attached to Army Head Quarters, they will continue to furnish such information and returns on all points connected with the health of the British Troops as may be required of them by the Commanders-in-Chief of their respective Presidencies, and generally to obey such instructions as may be issued by those authorities, subject, in each case, to the approval of the Government of India, or of the Government of Fort St. George or Bombay.

6. The full superintendence—professional and economic—of all British Hospitals, will devolve upon the administrative staff of the British Medical Service, and they will be guided by the rules and practice in force with the Indian Medical Administration, and will, in like manner, be directly responsible to the Government of the Presidency in which they may be serving.

7. When the necessary promotions and appointments have been made to complete the administrative staff of the British Medical Service now sanctioned for India, arrangements will be made for the re-distribution of the duties between the two Departments—British and Indian.

8. *Indian Medical Department.*—The administrative staff of the Indian Medical Department, will be composed as follows:—

BENGAL:

1 Inspector General.
* 11 Deputy Inspectors General.

MADRAS:

1 Inspector General.
† 6 Deputy Inspectors General.

BOMBAY:

1 Inspector General.
‡ 4 Deputy Inspectors General.

9. The staff of the Inspectors General of the Indian Medical Department will consist in Bengal, as at present, of a Secretary and a Statistical Officer; and in the Madras and Bombay Presidencies, of a Medical Officer as Secretary and Statistical Officer in one.

10. The Inspectors General of both the British and Indian Medical Services in Bengal will receive a consolidated salary of Rupees 2,700 per mensem, and those in the Madras and Bombay Presidencies, the existing salary of that grade, *viz.*, Rupees 2,500 per mensem. The Deputy Inspectors General in all the Presidencies will receive the consolidated salary of Rupees 1,800 per mensem, as at present fixed for that grade, and the four Staff Surgeons Major, a consolidated salary of Rupees 1,400 per mensem.

11. The Secretaries to the Inspectors General, and the Statistical Officers in Bengal will receive a staff salary of Rupees 700 and 600 per mensem, respectively; and the Secretaries and Statistical

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Circles.	*Circles.*
* Presidency.	‡ Presidency.
Lucknow.	Bangalore.
Meerut.	Secunderabad.
Lahore.	§ Burmah.
Gwalior.	‖ Presidency.
Peshawur.	Poona
† Allahabad.	Mhow.
Umballa.	¶ Scinde.

* *Circles of superintendence,*—

Barrackpore.	Saugor.
Dacca.	Gwalior.
Dinapore.	Meerut.
Allahabad.	Sirhind.
Lucknow.	Lahore.

Peshawur.

† Circles of superintendence to be laid down by the Government of Fort St. George.

‡ Circles of superintendence to be laid down by the Government of Bombay.

Officers in the Madras and Bombay Presidencies, a staff salary of Rupees 700 per mensem.

12. These staff salaries are now fixed, subject to the approval of the Right Hon'ble the Secretary of State, and will be granted in addition to the unemployed scale of pay laid down in paragraph 29 of Sir C. Wood's Despatch No. 340 of the 7th November 1864, published in G. G. O. No. 1060 of 23rd December 1864.

13. The administrative staff of the Indian Medical Department will, so soon as that of the British Medical Service has been completed, be relieved of all control over the Hospitals of British Troops.

In other respects their duties are unchanged.

14. Although from the changes which have been recently introduced affecting the pay, pension, and promotion of the Indian Medical Service, it has, in all its grades, derived considerable benefit; yet, with a view of rendering the effect of the reduction now proposed in the number of the administrative staff as little as possible prejudicial to the interests of the Officers more immediately concerned, Her Majesty's Government has resolved that the Officers now holding the positions of Inspector General and Deputy Inspector General of the Indian Service shall be permitted, to the extent of the proposed reduction, to retire, when they think proper, upon the rate of pension severally allotted to those grades in paragraphs 36 and 37 of Sir C. Wood's Despatch No. 340, dated 7th November 1864, published in G. G. O. No. 1060, dated 23rd December 1864, without reference to the time served in those grades.

15. Vacancies caused by such retirements or by ordinary casualties subsequent to the 1st October 1866, the date of the receipt of the instructions of Her Majesty's Government hereby notified, will be allowed to lapse until the establishment is brought to the strength now laid down.

16. The title of Principal Inspector General will be discontinued in all the Presidencies, when present permanent incumbents holding that designation vacate their offices.

No. 902 *of* 1866.—It is notified for general information that the designations of "1st" and "2nd Doing-duty Officer" in Regiments of Native Cavalry and Infantry, under the new organization, have been changed to those of 1*st* and 2*nd Squadron* and *Wing Subaltern*, respectively.

No. 903 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following appointments:—

PUNJAB FRONTIER FORCE.

Corps of Guides:

Lieutenant H. Wylie, of the General List, Infantry, to be Squadron Subaltern with the Cavalry, on probation.

1*st Punjab Cavalry:*

Lieutenant J. R. B. Atkinson, of the Generia List, Infantry, 1st Wing Subaltern, 4th Regiment of Native Infantry, to be 2nd Squadron Subaltern.

No. 904 *of* 1866.—The following promotion is made in the undermentioned Corps of the Native Army:—

Corps.	Rank and Name.	To what rank promoted.	From what date.	In whose room.
	Havildar:			
1st Goorkha Regiment	Jateeram Kanwar	Jemadar ..	15th November 1865	Bulbhudder Karkie, deceased.

No. 905 *of* 1866.—His Excellency the Governor General in Council is pleased to attach Lieutenant P. F. M. Baddely, Royal (Madras) Artillery, to do duty with No. 1 Horse Field Battery, Hyderabad Contingent.

No. 906 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following appointment:—

Colonel G. P. Whish, Bengal Staff Corps, to the Brigade Staff with the rank of Brigadier General, in succession to Colonel J. Abbott, promoted to the rank of Major General.

No. 907 *of* 1866.—Ensign E. B. Peacock is permitted, at his own request, to resign his appointment in No. 2 Company of the Calcutta Volunteer Rifle Corps.

No. 908 *of* 1866.—The leave of absence to visit Darjeeling for twelve months on medical certificate, granted to Major J. G. Hathorn, 2nd Class Commissary of Ordnance, Assistant to the Inspector General of Ordnance and Magazines, in G. G. O. No. 920, dated 10th October 1865, is extended to the 1st December 1866.

H. K. BURNE, *Lieut.-Col.,*

Offg. Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

No. 270.

ESTABLISHMENT.

Simla, the 22nd October 1866.

Notifications.—The following transfers have been sanctioned by the Governor General in Council :—

Lieutenant H. H. Cole, R. E., Assistant Engineer, 2nd Grade, from Oudh to the North-Western Provinces; and

Lieutenant G. L. B. Simmons, R. E., Assistant Engineer, 2nd Grade, from the North-Western Provinces to Oudh.

No. 271.

Mr. J. M. Broderick, Accountant, 3rd Grade, is transferred from British Burmah to Bengal.

No. 272.

Lieutenant A. C. Wither, General List, Infantry, a passed student of the Thomason Civil Engineering College, is appointed to the Public Works Department as an Assistant Engineer of the 2nd Grade, and posted to the Central Provinces.

No. 273.

Baboo Dwarkanath Ghosaul, Overseer, 3rd Grade, is transferred from British Burmah to the North-Western Provinces.

No. 274.

Baboo Umbica Churn Chowdry, of the Public Works Department, North-Western Provinces, is brought on the strength of the Engineer Establishment, as an Engineer Apprentice, and posted to the North-Western Provinces.

No. 275.

The 23rd October 1866.

Baboo Joy Gopaul Ruckhit, a passed student of the Calcutta Civil Engineering College, is brought on the strength of the Engineer Establishment of the Public Works Department, as an Engineer Apprentice, and posted to Bengal.

No. 276.

Mr. Henry Johnson, Assistant Engineer, 2nd Grade, is posted to Oudh, instead of the North-Western Provinces.

This cancels a portion of Notification No. 257 of 1866.

No. 277

The 25th October 1866.

Lieutenant J. T. Whish, Her Majesty's 103rd Regiment, is appointed to act as Assistant Engineer, for employment in the Mhow Division, from 21st August 1866.

No. 278.

The 26th October 1866.

The undermentioned gentlemen, Assistant Engineers, 3rd Grade, under covenant with the Secretary of State for India in Council, having reported their arrival at Calcutta, are posted as follows, and will be brought on the effective strength of the Public Works Department, on the dates on which they may join their appointments :—

Mr. T. Lobb, to the Punjab.
Mr. W. H. P. Sherman, } To the Central Pro-
Mr. R. F. Stein, } vinces.

No. 279.

His Excellency the Governor General in Council is pleased to make the following promotions in the Public Works Department of the Local Administrations, with effect from the 1st October 1866 :—

ENGINEER ESTABLISHMENT.

To be Executive Engineer, 1st Grade.

O'Donnell, Mr. J. W., Executive Engineer, 2nd Grade, Central Provinces.

To be Executive Engineers, 2nd Grade.

Marshall, Mr. F. C., Executive Engineer, 3rd Grade, British Burmah.

To be Executive Engineer, 3rd Grade.

Brockman, Mr. W. D., Executive Engineer, 4th Grade, Oudh.

To be Executive Engineers, 4th Grade.

Fraser, Lieutenant A. T., R. E., Assistant Engineer, 1st Grade, Hyderabad.
Mackesy, Captain W. H., Staff Corps, Assistant Engineer, 1st Grade, Oudh.
Sheldon, Mr. J., Assistant Engineer, 1st Grade, Oudh.
Tomkins, Lieutenant W. P., R. E., Assistant Engineer, 1st Grade, British Burmah.

To be Assistant Engineer, 2nd Grade.

Traill, Mr. W. B., Assistant Engineer, 3rd Grade, Mysore.

UPPER SUBORDINATE ESTABLISHMENT.

To be Sub-Engineer, 2nd Grade.

McManus, Mr. T., Sub-Engineer, 3rd Grade, Central Provinces.

To be Sub-Engineers, 3rd Grade.

Bolton, Mr. H., Supervisor, 1st Grade, Oudh.
Morron, Sub-Conductor J., Supervisor, 1st Grade, Rajpootana.

To be Supervisors, 1st Grade.

Griffiths, Conductor Q. S., Supervisor, 2nd Grade, Rajpootana.
Jones, Mr. T. P., Supervisor, 2nd Grade, Central Provinces.
Wilkinson, Serjeant G., Supervisor, 2nd Grade, Central Provinces.

To be Supervisors, 2nd Grade.

Thomson, Mr. G. A., Overseer, 1st Grade, Mysore.
Yeknath Ramchunder, Overseer, 1st Grade, Rajpootana.

ACCOUNTS ESTABLISHMENT.

To be Accountant, 3rd Grade.

Watcham, Mr. R., Accountant, 4th Grade, Mysore.

No. 32F.

REVENUE—FORESTS.

The 20th October 1866.

Notification.—Lieutenant G. I. Van Someren, 1st Assistant Conservator of Forests, is appointed to officiate, until further orders, as Conservator of Forests, Mysore and Coorg, *vice* Major A. Hunter, proceeded on privilege leave.

Mr. C. A. Dobbs, Assistant Conservator of Forests, Coorg, to officiate as 1st Assistant Conservator of Forests, Mysore, *vice* Lieutenant Van Someren. These temporary appointments to have effect from the 20th September 1866.

No. 5R.

RAILWAY.

The 19th October 1866.

Notification.—Erratum.—In Notification No. 3R. of the 12th October 1866, for *Lieutenant R. C. Pye*, read *Lieutenant K. C. Pye.*

C. H. DICKENS, *Lieut.-Col.*, R. A.,
Secy. to the Govt. of India.

ECCLESIASTICAL.

The Right Reverend the Lord Bishop of Bombay, by whom the jurisdiction and functions appertaining to the See of Calcutta vacant by the demise of the Bishop thereof, are directed by the Letters Patent to be exercised, has taken charge of the See, and will, with those of his own Diocese, continue to perform the duties of the office until further notice.

The Bishop of Bombay purposes to hold an Ordination and a Confirmation in Calcutta early in December, of which further notice will be published.

The correspondence of the Diocese is to be forwarded to be Venerable the Archdeacon of Calcutta and Commissary of the See.

By desire of the Lord Bishop of Bombay, dated at Calcutta, this Eighteenth day of October 1866.

JOHN H. PRATT,
Archdeacon and Commissary.

ADVERTISEMENTS.

THE GAZETTE OF INDIA.

Consequent upon the return of the Viceroy and Members of the Government of India to the Presidency, the publication of the *Gazette of India* at Simla will terminate on the 27th October. All communications, thereforo, regarding subsequent issues of the *Gazette*, should be addressed to the Calcutta Office.

LOST.

Second half of the following Currency Note—intimation of loss given to the Currency Office, Allahabad:—

No. A18—24222, for Rs. 10 only.

NOBOKRISTO BOSE,
The 15th October 1866. *Jail Writer, Allahabad.*

LOST.

The Government Promissory Note No. 3507 of 25547 of the 4 per cent. Loan of 1854-55, dated 30th June 1854, for Company's Rupees One Thousand, originally standing in the name of Lunjee, Sapurjee and Co., and last endorsed to Syud Sultan Allie Khan, the Proprietor, by whom it was never endorsed to any other person. Payment of the above Note, and of interest thereon, has been stopped at the Loan Office; and application is about to be made to Government for the issue of a duplicate Note in favour of the Proprietor.

SYUD SULTAN ALLIE KHAN,
JULLUNDUR, *Extra Assistant Commr.,*
The 23rd October 1866. *Jullundur District.*

LOST.

Second half of the following Currency Note—intimation of loss given to the Currency Office, Allahabad:—

No. A14—598, for Rupees 20.

ALLAHABAD,
The 13th October 1866. F. F. DECRUZE.

LOST.

Government Promissory Note No. 8521 of 23666 of 1842-43, for Rs. 1,000. Payment stopped at the Bank of Bengal.

MOONSHEE NIAMUTTOOLLAH,
of Butcherkhana.

LOST

In transit by Post between Luckeempore and Lucknow, right halves of the following Government Currency Notes of the Allahabad Circle, dated 16th July 1861:—

A13—80737, Rupees 100.
A13—80738 „ 100.

LUCKEEMPORE,
MOHUMDEE, H. J. SPARKS,
The 3rd October 1866. *Offg. Dy. Commissioner.*

BENGAL OFFICIAL ARMY LIST.

The Bengal Official Quarterly Army List, No. XVIII, corrected in the Office of the Adjutant General up to the 1st October, is now ready. Price Five Rupees in advance, and Eight Annas extra if sent by Post. Apply at the Office of Superintendent, Government Printing, Military Orphan Press, Calcutta.

Great Eastern Hotel Wine and General Purveying Co. "Limited."

The Ninth Half-yearly Ordinary General Meeting of Shareholders will take place at the Office of this Company, on Wednesday, the 31st October 1866, at 4 P. M., to submit report and declare an *ad interim* dividend.

By Order of the Directors,

DAVID CALDER,

Secretary.

NOTICE.

A pucka house known as "Crommelin Sahib ki kothe," situated in the Civil Station of Goruckpore, believed to belong to Mr. Crommelin, who is supposed to have deceased, is under the charge of this Court. Any person having a title to the same, is requested to prefer his claim within one year to the undersigned.

GORUCKPORE, *The 10th October* 1866. } W. G. PROBYN, *Officiating Judge.*

NOTICE.

A New Edition of the Map of DISTRICT NUDDEAH, shewing Village boundaries, Scale 1 Mile equal to 1 Inch, in 8 Sections, with a small Index, is now ready for issue.

Applications for the Maps *bonâ fide* on the Public Service, to be addressed to the Registrar, Surveyor General's Office, Calcutta.

For private use, on payment, the Map can be obtained from all Booksellers and the "School Book Society," Calcutta, at the following rates:—

		Rs.	A.	P.
Uncolored and Unmounted.	On *thick paper*, the Map complete in 8 Sections with Index...	8	0	0
	Or each Section separate ...	2	0	0
	On *thin paper*, the Map complete in 8 Sections with Index ...	6	0	0
	Or each Section separate ...	1	8	0

N. B.—Parties requiring the Map Colored and Mounted must pay extra for the same.

J. E. GASTRELL, *Lieut.-Col.,*

Offg. Deputy Surveyor General of India.

Just published.

CLASSIFIED LIST

OF

PUBLIC WORKS OFFICERS,

Corrected up to 1st May 1866.

Price 2 Rupees.

Apply to the

OFFICE OF THE SUPDT. OF GOVT. PRINTING,

Military Orphan Press,

CALCUTTA.

GOVERNMENT OF INDIA.

RE-PRINTS

OF

Records in the Public Works Department.

No. 1.

PROGRESS REPORT OF FOREST ADMINISTRATION IN THE CENTRAL PROVINCES, 1863-64. By CAPTAIN G. F. PEARSON, 33rd M. N. I., Conservator of Forests, Central Provinces, accompanied by a Memorandum thereon by DR. D. BRANDIS, Inspector General of Forests. To which is appended a Report by DR. BRANDIS on his deputation to the Central Provinces in 1863-64. *Price Re.* 1.

No. 2.

PROGRESS REPORT OF FOREST ADMINISTRATION IN BRITISH BURMAH, 1863-64. BY H. LEEDS, ESQ., Officiating Conservator of Forests, British Burmah, with a Memorandum thereon by Dr. D. BRANDIS, Inspector General of Forests. To which are appended other papers and correspondence regarding Forests, and the system of working them in these parts. *Price Re.* 1.

No. 3.

REPORT UPON THE DEODAR FORESTS OF BUSSAHIR to which are appended REGISTERS OF VALUATION FOREST SURVEYS IN BUSSAHIR AND THE DISTRICT OF JAONSAR BAWUR, WITH OTHER STATEMENTS RELATING TO THE GROWTH OF THE DEODAR TREE IN THE WESTERN HIMALAYA. Being the result of a joint examination of the Bussahir Forest BY D. BRANDIS, Ph. D., Inspector General of Forests to the Government of India, J. L. STEWART, M. D., Officiating Conservator, Punjab, and CAPTAIN E. WOOD, Officiating Conservator, Oudh. With a Map illustrating the situation of the Forests. *Price Re.* 1-8.

No. 4.

PAPERS RELATING TO RAILWAY COMMUNICATION BETWEEN BOMBAY AND THE NORTH-WESTERN PROVINCES. Extending over the years 1854-65. *Price Re.* 1-8.

(The collection of papers in this Report is not yet complete, it cannot therefore be issued at present.)

No. 5.

REPORT OF THE OPERATIONS ON LIGHTHOUSES during the season of 1864-65. By LIEUT.-COL. A. FRASER, R. E., Superintendent of Lighthouses. *Price Re.* 1-8.

No. 6.

THIRD ANNUAL REPORT ON THE MANAGEMENT AND CONSERVANCY OF THE OUDH FORESTS for the forest year ending September 30, 1864. BY CAPTAIN E. S. WOOD, Officiating Conservator, Oudh Forests. *Price Re.* 1.

No. 7.

PROGRESS REPORT OF FOREST ADMINISTRATION IN BRITISH BURMAH, 1864-65. BY H. LEEDS, ESQ., Officiating Conservator of Forests, British Burmah. *Price Re.* 1.

CALCUTTA:

OFFICE OF SUPDT. OF GOVT. PRINTING,

Military Orphan Press.

1866.

SALE OF WASTE LANDS IN THE PROVINCE OF OUDH.

Notice is hereby given that several plots of Waste Lands in the District of Gondah, as shewn in the accompanying list, will be sold by auction to the highest bidder, above the upset price of Rupees 2-8-0 per acre on the 1st December 1866, at the Office of the Deputy Commissioner of Gondah, should no objection be preferred such as to render it necessary to defer the sale, under the provisions of Act XXIII. of 1863.

The sale will be made in the manner and subject to the conditions prescribed by the Rules for the sale of Waste Lands in Oudh, and to the provisions of Act XXIII. of 1863.

Maps of the several grants can be seen at the Deputy Commissioner's Office.

A. G. GROTE,
Asstt. Commr., for Dy. Commissioner.

List of Jungle Grants available for sale in the District of Gondah in the Province of Oudh.

General No.	Pergunnah.	Name of Grant.	Number of Acres.	BOUNDARIES.
				Tehseel Turrufgunge.
1/4	Munkapoor .	Chittownah Kote	3,104	Bounded on the north by mouzah Sujjway Nuddy; on the south by Mr. Glynn's grant; on the east by Munawur Nuddy, and on the west by Grant No. 8 (Sujjway Surokar).
2/8	Ditto ..	Sujjway Surokar	2,071	Bounded on the north by mouzah Sujjway Nuddy; on the south by Mr. Glynn's grant; on the east by grant Chittownah Kote, and on the west by mouzah Gurrurhaie and grant Tuidooah.
3/8	Ditto ...	Tuidooah ...	1,027	Bounded on the north by mouzah Khuthireah hamlet of Hurdawah and Sujjway Nuddy; on the south by grant Gurrurhaie; east by Sujjway Nuddy and grant Sujjway Surokar, and on the west by mouzahs Bugdeirah, Purunpoor, Ditteeah, Sutteah, and RamroopBunkut, hamlets of mouzah Hurduwah.
4/16	Ditto ...	Kuttahur ...	525	Bounded on the north by mouzah Kuttahur and grant of Yakool Ally Khan; on the south by Sujjway Nuddy; east by Munawur Nuddy, and on the west by mouzah Kuttahur.
5/32	Ditto ...	Choubeypoor	1,582	Bounded on the north by Biswee Nuddy; on the south by mouzahs Muddenpoor, Bhyrawa, Chonbeypoor, Motilika and Khoorasow; on the east by mouzahs Umgheity, Soreewah, and Khurka, and on the west by mouzah Duttowlee.
6/32	Boorapair	Sujjunniah ...	814	Bounded on the north by mouzahs Mulleepoor, Dowlutpoor, Saree, and Chandpoor; on the south by Sawaie Nullah, grant of Hurruttun Sing, and mouzah Rehartuppookee; on the east by mouzah Jessunpoor, and on the west by Sewai Nullah, mouzahs Muddaipoor and Hutteahghur.
7/32	Ditto ...	Suggragurh ...	1,444	Bounded on the north by mouzahs Mahomedpoor, grant Sawukpoor and Chunderdass; on the south by mouzahs Nuthoonpoor, Phorunda, Hussunghur, and Owradhee; on the east by mouzah Sootheah, and on the west by mouzah Hislampoor.
8/32	Sadoollanugger..	Bundrabee ...	2,652	Bounded on the north by Kooany Nuddy; on the south by mouzahs Rancepoor, Achulpoor, Tendooah, Bhaupoor, Ghoorapoor, Bhirwah, and Sokeah Tahir; on the east by mouzah Peetjeah, and on the west by mouzahs Lokeabhur and Manugarah.
9/32	Utroulah ...	Etaie	951	Bounded on the north by mouzah Oorlaiha and grant of Baboo Shew Nath Sing and Thakoor Shere Bahadoor Sing; on the south by mouzah Ailrah; on the east by grant No. 31, (Ramghur), and mouzah Ailrah, and on the west by mouzah Pukkree and Grant No. 26 (Pukkree).
10/32	Ditto .	Ramghur ...	1,154	Bounded on the north by grants of Baboo Shew Nath Sing and Shere Bahadoor Sing; on the south by Kooany Nuddy; on the east by Kurda Nullah, and Grant No. 32, and on the west by mouzah Aylrah and Grant No. 30.

DY. COMMR.'S OFFICE,
GONDAH,
The 28th August 1866.

A. G. GROTE,
Asstt. Commr., for Dy. Commr.

Printed and Published for the Government of India by J. L. KINGHAM, at the Government Press, Simla.

No. 40.

SUPPLEMENT TO

The Gazette of India.

SIMLA, SATURDAY, OCTOBER 27, 1866.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees four annas if sent by Post.*

No Official Orders or Notifications, the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

Government of India.

HOME DEPARTMENT.

Report by Dr. G. F. Forbes on the Cotton-producing States of America.

REVENUE.
No. 53.

INDIA OFFICE;
London, the 23*rd August* 1866.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—I forward herewith, for the information of your Excellency in Council, fifty copies of a Report which has been submitted to me by Dr. G. F. Forbes, giving the results of his recent visit to the Cotton-producing States of America. It may be right to advise you that Dr. Forbes' anticipations have been questioned by other authorities.

I have, &c.,

(Signed) CRANBORNE.

To the Under-Secretary of State for India, India Office, S. W.

London, the 16*th August* 1866.

SIR,—I have the honor to submit the following report of the tour I have just completed in the Southern States of America in connexion with cotton cultivation, and in accordance with the instructions conveyed to me in the Government letter dated 1st June 1866.

1. I received the Government letter of instructions at Toronto on the 14th of June, and proceeded at once on my tour, in course of which I visited all the southern cotton-producing States, with exception of the new territory of Texas.

2. Crossing Lake Ontario, I passed through the States of New York and Pennsylvania to Washington in Maryland, where I had an interview with Sir Frederick Bruce, the British Minister, and obtained letters from him to the British Consuls and other parties, which I afterwards found extremely useful.

3. Thence I proceeded through Virginia into the North and South Carolinas, where I first came in contact with cotton cultivation, and I subsequently travelled through the States of Georgia, Alabama, Louisiana, Mississippi, Arkansas, and Tennessee.

4. In North Carolina but little cotton had been sown this year, and in South Carolina, as far as I could ascertain, there was not beyond a third of the quantity usually sown before the war; but in the latter State the crops were in better condition as regarded care and cultivation than in most other places, though they were still far behind what I expected to meet with, even as compared with Indian cotton at the same season of its growth.

5. I found (from planters and others residing in these States with whom I came in contact) that it was not anticipated that the two Carolinas would contribute more than a hundred thousand bales of cotton to the general stock this season.

6. In the State of Georgia the whole cotton crops generally presented a much less promising appearance. In many places I met with very extensive fields where the plants had not attained a greater height than from three to six inches, though the period of the season had arrived at which they should have been nearly, if not quite, full grown.

7. Except in a few instances, the average height of the cotton throughout was not over from 12 to 18 inches, even in localities where it must have been sown as early as April, judging from the progress the plants had made towards flowering.

8. Everywhere, with scarcely an exception, the fields were dirty and grassgrown; in many places the grass had over-topped the cotton, as if there had been no weeding since the first period of sowing, and even where the plants were very young it was apparent, from the foul condition of the land, that but little care or labour had been bestowed upon preparing it or the seed.

9. The chief cause of failure was attributed to the scarcity of good seed. A sufficiency of fresh seed was not procurable, and much of what had been used was the produce of cotton grown before the war. In many places it came up so badly that the fields had to be ploughed up and sown again, even a second and third time; this accounted for the different stages of cultivation met with so late in the season.

10. From the extent of land known to be planted with cotton this season, as compared with previous years before the war, it was expected in many of the large towns of this State (Georgia) that the incoming crop would be over two hundred and fifty thousand bales, but as matters stand, this estimate is evidently much over-rated.

11. In former times, when sufficient labour was available, planters rarely calculated upon obtaining less than two bales from every acre of good land in a fair season, and their estimates in anticipation were framed accordingly.

12. My own experience in cotton cultivation enables me upon seeing a field to form an opinion as to the probable out-turn that it will yield; and I am convinced that by far the larger proportion of the land I saw would not yield an average of half a bale per acre.

13. I have travelled within the State of Georgia in various directions upwards of a thousand miles, visiting most of its large towns and cotton centres, and from all that I had seen and heard my impression was that the present crop at its utmost would not exceed a hundred and fifty thousand bales.

14. As an instance, the district of which the town of Charlotte is the centre had the best-conditioned crop that I had met with; formerly it used to contribute thirty thousand bales, this year it will certainly not supply more than from eight to ten thousand.

15. I entered the State of Alabama at "West Point," and travelled through it by land and water to Mobile, at its south-western corner.

16. A large extent of the first part of the country passed was poor soil and hilly, with comparatively little cultivation, until I came within about thirty miles of Montgomery, the capital of the State, when the aspect of the country improved, and I met with some of the largest cotton tracts I had yet seen, but still the extent of land under cultivation was evidently small compared to what it must have been at one time, judging from the traces visible of what had formerly been large plantations.

17. There appeared also to have been fewer failures in that quarter from bad seed, and the plants were in many places better grown, though not approaching the size that they ought to have attained at that advanced period of the season.

18. Before the war, Alabama alone contributed close upon a million bales of cotton. During my travels in the State, I met and conversed with numerous parties engaged or interested in cotton cultivation, and I heard a great deal regarding the prospect of the present crop. Some were higher than others in their estimate, and between such parties the subject in all its bearings was many times keenly discussed in my hearing.

19. The average of the general opinion would appear to fix the expected supply at from a hundred and eighty to two hundred thousand bales; but, in these figures, I doubt whether sufficient allowance was made, if indeed the fact was at all considered, for the almost entire loss of one of the most fertile sources of supply, namely, the "bottom" plantations along the course of the Alabama river, where repeated floods and heavy late rains have destroyed all prospect of a cotton crop, though it was still expected that a good grain crop would be obtained.

20. I remained some days in Mobile, and then proceeded by steamer along the shore of the Gulf of Mexico to New Orleans, the great cotton-exporting emporium of the Southern States, and thence I proceeded up the Mississippi river into the States of Louisiana, Mississippi, Arkansas, and Tennessee, once the great cotton-producing regions of the south, but now sadly fallen away from their former eminence.

21. The country bordering on New Orleans is chiefly sugar-producing; the cotton cultivation on the banks of the Mississippi commences about a hundred miles up the river.

22. It is scarcely possible to picture the desolation which a seemingly ruthless war has inflicted upon these noble provinces. The burning of the towns might have been a possible necessity, to cripple an enemy's resources; but it is difficult to extend that plea to the wholesale destruction of isolated individual property, yet for hundreds of miles along the course of that river, scarcely a planter's house has been spared, and all that remains now to mark where it and its cotton-gining and sugar-boiling premises stood are the bare blackened walls and chimney stalks.

23. The slave quarters alone had been exempted. They were then mostly deserted; but the numbers and size of them, like villages, almost within hail of each other, were the only indications now left of what must once have been the wealth and prosperity of the proprietors who owned them.

24. A fellow passenger, who happened to be one of these planters, pointed out to me from the lofty upper deck of the steamer the boundaries of the plantations, extending far away back to the forest (the dividing fences were mostly burnt down), and said, "Though that is now the wilderness you see it, it was once cultivated like a garden."

25. Having heard of the injury done to the cultivation by the destruction of the "levies," I went into the interior of Louisiana to visit the back plantations.

26. The land behind, in many places, is lower than the river bank, and these levies were constructed for the purpose of protecting the plantations from floods; they resemble railway embankments, and are provided with sluices for getting rid of the surface water after the inundations.

27. During the course of the war, very large stretches of them were destroyed, with the view of rendering the country impracticable for military operations, and thereby of retarding the progress of the enemy.

28. All the land which was protected by those extensive broken lines (much of it the finest in the country) is now waste, and will not be again available until the levies are repaired. The matter has been deemed of sufficient importance to engage the immediate attention of the Government, and, whilst I was there, officials were employed on the survey of the damaged "levies." I understood that it was estimated that a million dollars would be required for their reconstruction and repair.

29. Where cultivation was practicable, the condition of the interior of the country was very similar to that portion of it already noticed, bordering the river.

30. Owing to the scarcity of both labour and capital, only the best patches of the land were cultivated, cotton predominating. And there, as elsewhere, it was painful to see that the prospects of a crop were greatly diminished by the extent to which grass and weeds had got ahead of the cotton, shewing either that labour was not procurable, or that the planters were not in a condition to pay for it.

31. In many places that I passed, I was told that the owners had abandoned their fields, in hopeless despair of being able to overtake or contend with the grass to an extent sufficient to make their crops worth sticking to, the cause being the difficulty of obtaining labour.

32. On the Red River bottoms the plantations were much in the same condition as those of the Alabama River, and from the same causes, only aggravated by the destruction of the "levies," and but little cotton was expected from them this year.

33. At Vicksburg, on the left bank of the river on the Mississippi side, I left the stream and proceeded inland to Jackson, with the view of seeing what is known as the upland cotton cultivation. From Jackson I travelled north, and again struck the river at the city of Memphis in the State of Tennessee.

34. Along this route, in many places, there was a large proportion of cotton as contrasted with other crops, but nowhere was it in a satisfactory condition. Grass appeared to have gained the supremacy *everywhere*, and the cotton was proportionately stunted, the yield from it, therefore, will be but small in comparison with what it would have been had the cultivation been properly cared for, and though every day and hour was at that particular time of the utmost importance, I saw but very few hands employed in the fields.

35. From Memphis I crossed into Arkansas, and having made a detour through the country, I returned and proceeded by steamer up the river to Cairo, which is the extreme limit of the latitude of cotton cultivation.

36. According to the latest published American census, the four last-named States "raised" in the aggregate over two millions six hundred thousand bales of cotton—nearly one-half of the amount being produced in Mississippi alone.

37. It was the general impression amongst the best informed that this year the produce of the latter State would be considerably under a quarter of a million, and that the produce of the whole four States combined, *viz.*, Louisiana, Mississippi, Arkansas, and Tennessee, would not exceed five hundred and fifty thousand bales.

38. When I say general impression, I mean the opinion of the planters and practical men I came in contact with in these States, not the impression of people in the north, where I found very different and very extravagant ideas prevailing regarding the quantity of cotton that would be forthcoming this year.

39. In the present state of matters, and with reference to the interests of this country both at home and abroad, two questions of vast importance present themselves for serious consideration,—*first*,

what amount of cotton will be available from America for export this year; and *secondly*, what are the prospects of the Southern States being able to resume their former position as cotton-producing countries?

40. In estimating the first question, I may briefly allude to the causes which I have named as having this year operated unfavourably upon the crops, as well as to the subject of labour, this being the first year of the experiment of "free" labour.

41. The first cause of failure noticed was bad seed, that is, old seed which was the produce of cotton grown before the war.

42. Owing to the cotton having been sent into the interior for concealment, in localities where there was no proper provision for protecting it, it was supposed that the seed had become injured, and a large proportion of what was sown failed to germinate. The fields had, consequently, to be reploughed and sown, and, as the season itself was a late one, the latter sowings, in many instances, proved much too late to produce a crop: this cause of failure was wide-spread and general.

43. The second cause was late rains and inundations, these were chiefly injurious to the plantations in the swamps and river bottoms, where it may be literally said that there has consequently been little or no cotton cultivation this year.

44. Though in many places the surface water had subsided, still the soil, from long soaking, had become so soft that neither men nor animals could move through it until it became much too late to sow cotton.

45. The third cause mentioned was the extent to which grass had retarded the growth of the cotton. To explain this, I may mention that the cotton plant, when young, is very delicate and tender, and it is essentially necessary, in order that it may attain its full development, that it should be kept free from grass at all its stages.

46. This work of weeding may be called the hardest part of cotton labour, and there was nothing about which the planters were more anxious. I have heard the remark made by them, when pointing to the condition of the fields, that "grass grows" so quickly, and did so much harm, that in former times, if it got even a day's start of a good planter, he would work double tides until he overtook it.

47. As soon as a cotton plant is fairly "caught," as they term it, by the grass, its bark begins to harden and its growth to stop. This, above all others, will prove the most prominent cause of deficiency in the produce of the present crop, and it will be understood that it is attributable to the fourth cause to be noticed, namely, the scarcity of labour.

48. This is the first year of free labour; the experiment may be said to be upon its trial, and it has certainly not come up to the expectations entertained of it; it is the element to be considered not only with regard to the future, but also in forming an estimate of what the present crop may be.

49. It is very well known, and nowhere contradicted, even by those inclined to the most favourable views, that there was not more than one-half, if so many, of the negroes employed in the cotton fields this year that there were in 1860 before the war. All the men I met with who had been employing them declared that, now that they were free to please themselves, they could not get half their former work out of them; but, to be on the safe side, their work now may be taken at an average of one-third less than they formerly performed, and with these figures any one in possession of former statistics can calculate what the return from this year's crop may be, estimating at so many bales per hand, the method usually adopted.

50. I have been present with parties discussing this point, and have seen the figures laid down to prove that the present year's crop could not exceed 800,000 bales. I also have copies of some of these calculations, and they seem fair enough.

51. In New Orleans, when I was there, bets were being laid between parties in possession of returns from the cotton districts, as to whether the crop would be limited to eight hundred thousand or would amount to a million of bales, and the State of Texas to which I have not yet alluded, was included in those calculations.

52. I was not able to extend my visit to Texas, but during my travels I met with several of its planters fresh from their homes; the information they brought was, the cotton crop would be a scanty one, owing to lateness of the season from rains, but that they expected the grain and other crops to be abundant; they stated also that they were better off for labour than the States through which we were then travelling; it was said that they had as many as six thousand more coloured labourers than they had before the war.

53. Taking the most favourable view of this question, as derived from the results of my own observation as well as from the information obtained on the spot, I believe, at the very outside limit, the crop of this year, *from all the States*, will not exceed twelve hundred thousand bales, if it even amounts to so much, and from what I heard, it was expected that the United States would absorb the bulk of it. At any rate, I fear that those interested are laying themselves open to disappointment if they calculate upon there being more than two or three hundred thousand bales available for export this year.

54. I should here mention, that when I was in Mobile there was a balance of old cotton for shipment amounting to thirty thousand bales, and when I left New Orleans the balance of old cotton for shipment amounted to ninty-four thousand bales (94,000); this, of course, I do not include in the above estimate.

55. I am aware that reports of a much more encouraging nature are being received from parties, also of such respectability as to be quite beyond the suspicion of wilfully attempting to mislead, but these parties have themselves been misled.

56. Planters who had sown largely were in urgent need of advances; they applied to the parties in New Orleans and Mobile, who are the representatives of the New York houses, and (what may have been true at that time) they represented themselves as having flourishing prospects of a crop; these reports were transmitted and acted upon.

57. I shall now conclude this report by consideration of the second question, namely, what are the future prospects of the Southern States as cotton-producing regions. I regret to say that I have not been able to arrive at any favourable conclusions, notwithstanding the great talk to be met with in the north as to the promising future, and any one who will travel through the States, as I have done, will be forced to come to the conclusion that their future prospects, in at least as far as the present generation is concerned, are but dismal indeed.

58. The owners of the large plantations, who once represented the wealth of the country, and, I may say, the back-bone of its cotton cultivation, are, as a class, utterly ruined and dispirited.

59. In former times, when there was a good season and a large balance of profit, instead of banking the surplus, they invariably extended their possessions by the purchase of more land and slaves; and, as a rule, generally they went further, and purchased in advance, in the hope of the succeeding season being also prosperous, and therefore when the emancipation was announced, not only was their occupation gone, but they may be said to have lost their all; for, without either the labour or capital to work their land, it became valueless to them, except for sale at such a price as it would fetch; but there appeared then to be no market for it.

60. In Georgia, I was told of large plantations of the first class, and with the richest land, that were for sale at a price merely nominal, compared with what they would have fetched before the war, and there was no one to bid for them.

61. In the course of my movements, I heard a great deal on this head, as may be imagined at such a time. Wherever I went, I found that cotton and cotton-cultivation were the all-engrossing topics of conversation. In railway cars, steamboats and hotels, it was the general theme; and I can call to recollection numberless instances of the names of persons of the first class being mentioned in my hearing as endeavouring to "clear out," as they express it, which means selling off.

62. I remember on one occasion, at Mobile, a gentleman stating, in presence of a large party, that he could enumerate the names of twenty of their best planters, known to them as well as himself, who were endeavouring to turn their land into money, and I asked what they would do afterward. The answer was, that they would go into the towns, and speculate to whatever extent their means would admit of.

63. This recalls one enterprise I heard of which I may mention. In passing from Georgia into Alabama, I crossed the Cattahoockie river, a considerable stream, with sufficient waterfall for mechanical purposes. Spinning mills had been established on a small scale before the war, but they were destroyed. Three new ones were then in course of erection, and the engineer in charge of the works, whom I met and conversed with, told me that he expected to have thirty thousand spindles at work in a very short time, that there was convenient water power available for two hundred and fifty thousand spindles (250,000), and that if a heavy export tax was imposed upon cotton, machinery would be erected there to the full extent of the power, the parties engaged being retiring cotton planters. But this is a digression, and I return to the question under consideration.

64. Giving the Americans credit for their wonderful recreative power, it is difficult to imagine from what source they are to replenish the labour market, if it be true that the freed slaves are no longer to be relied upon; yet such was the firm conviction of those who had given them a fair trial.

65. I heard a man declare, in presence of a party, that he had been all his life a planter; but that he would not again attempt to raise cotton with the freed labour if he was certain it would fetch a dollar a pound.

66. I might fill pages with the relation of what has been stated in my hearing by hundreds of planters on this subject, all corroborating the general impression that the "blackman" would never work again as he used to do. I shall only mention one instance where he was tried under the most favourable circumstances.

67. At Tensas County in Louisiana, I met a gentleman, advanced in years, who had followed cotton cultivation all his life in that locality. He then had four hundred acres under cotton. He told me that, with one solitary exception, all his slaves elected to stay with him, and that he had certainly been as well, if not better, served by them than any of his neighbours, but that he could not get on. With no other cause to interfere, except their idleness, he should not reap half the crop that there would have been had they only worked as they used to do.

68. He said they were well disposed towards him, from having been always kindly treated; they knew exactly what was necessary to be done, and how much he would suffer by the neglect of it, still they had got the impression that they were no longer to "work like slaves," they did just as much as they pleased. Left to themselves, they would be found during the working hours sleeping under the nearest shade.

69. He also informed me that he knew that "County" (or "parish" as it is there termed) as well as any man. It was the finest land in the country, though this year he did not expect that its whole crop would amount to ten thousand bales. He had been through it, and he said, to use his own words,

"there is not one good stand of cotton in the parish." In the last census (1860) before the war, the return for this country of "ginned cotton bales of 400 lbs. each," is given at over one hundred and forty thousand.

70. I have above mentioned the supposition that not more than half of the freed slaves were at work on cultivation, but from my own observation, and all that I could learn, I think it likely that the estimate is over the mark.

71. It is believed that one-fourth of their numbers (as they stood before the war) are dead. Of the remainder, I question whether more than a third have returned to field labour.

72. Great numbers are known to have gone into the large towns. All through the country, wherever I passed along the line of Railway, numbers of men and women were lounging about idle at every stopping-place, looking out for any easy job, and living no one knew how, except by stealing and with the help of wild fruit, whilst the fields within sight of them stood in such great need of labour; and in the large towns of those States, most of which I visited, they might be seen in numbers, men and women, either wandering listlessly about or giving themselves up to excitement and debauchery.

73. In travelling from Memphis to Jackson, over about fifty miles of country, in which there was quite as much cotton as I have anywhere seen within the same compass, I could, from the Railway carriage, command a view for a considerable distance on each side of the line. I counted and noted down every labourer I saw at work as I passed along—the time was the morning, between six and nine o'clock, when it might be supposed that all who were to work for the day would be in their fields.

74. The total number of hands in all the places was forty-three—twenty-six were men, fourteen of whom were working mules in furrow plouges, and seventeen were women and boys.

75. From all this, and the uncleaned condition of the fields, it would appear that there has not been sufficient labour to deal with the extent of cotton sown this year, and it may be inferred that the planters who have been disappointed will not sow so much again, unless they can procure some other source of labour.

76. Now, if it does turn out, as the experience of the present season would seem to justify, that the "freed" slave labour will prove a complete failure for cotton cultivation, there are certain results, affecting the future, which we know must follow.

77. There are extensive plantations from which the largest supplies of the best cotton were obtained formerly, in which, owing to the unhealthiness of the localities, white labour would not exist.

78. In the south-west of Georgia, so dangerous were some of them known to be, that I was told when the owner paid them a visit nothing would induce him to pass a single night on the plantation, between May and October; his visits were made during the day, and he invariable left before nightfall.

79. These plantations were managed by white overseers, and I was informed on very good authority that the average duration of these men's lives on that employment was from two to three years, though everything was done for them in the way of placing their residences in as elevated and favourable spots as could be found sufficiently near.

80. Even the slaves employed on these plantations were, as a class, different from the others, instead of being half-breed, they were more purely African.

81. Without negro labour, therefore, these districts must cease to produce cotton, and be lost as a source of supply. Then will there remain the uplands, and such places as will admit of the employment of white labour, if that can be imported or obtained in sufficient quantity to supply the place of the blacks.

82. What can be done in that way remains to be seen, but it will undoubtedly be the work of time, and, with such a state of depression and collapse as I witnessed, my impression is that years must pass before large supplies of cotton can be again obtained from those States.

83. I should, perhaps, have mentioned that the cost of raising cotton now is nearly three times what it formerly was. It was declared on all hands that it could not now be grown under twenty cents a pound against seven cents, which was the former cost; the above is exclusive of any tax that may be imposed.

84. The cause of this is the enhanced cost of labour in the difference between the interest of the money formerly required for the purchase of a slave and the price which has now to be paid for his labour, varying from 12 to 18 dollars a month, as also the increase in the price of provisions.

85. I note in the margin figures to show the extent to which this has taken place. They exhibit the price of some of the most important articles of food before the war, as taken from the New Orleans Prices Current, the latter dated 29th of June last.

	1858-59.	1860.
Sugar	5¼ to 6 cents	7¼ to 16 cents.
Tobacco	5 to 8 cents	9 to 12 cents.
Flour	$6 bushel	$9. 75 bushel.
Corn, Indian	$1. 25	$5. 50 to $5.
Pork, mess	$14 to 17	$34. 50 to $35.
Coffee	10¼	25 to $29.

86. Before closing this report, in case of its being made public, I would beg to record that it is no part of my object to excite or encourage immediate cotton speculation, and I should be sorry that any such result should follow.

87. To parties so inclined, I would beg to point out that, in stating my own opinions, I have also given the grounds upon which these opinions have been arrived at, and they have, therefore, at their disposal the means of coming to their own conclusions without regard to mine.

88. Though I spared no trouble in my endeavour to make the most of my visit, still it must be remembered that the country is so vast that it would be quite impossible for any single individual to visit every part of it in any one season.

89. There is therefore much that I have not seen, but at the same time I have seen a great deal of the country, and my description of that may be relied upon. Parts of that description can only lead to certain deductions, even if viewed in the most favourable light.

90. If at a time when the cotton should be ripening, and the plants four or five feet in height, a large proportion of the cultivation had not yet attained the height of as many inches, even those who are not conversant with its cultivation nor aware of the injury that grass and neglect of weeding entails upon cotton, will scarcely be encouraged to expect a large crop. Planters have told me that in good seasons, as early as that period (the end of July) they have had part of their crop "picked and baled."

91. As regards what I have stated from hearsay, I may mention that it is at least free from the suspicion of having been supplied to me to serve any purpose.

92. Though I was by no means exempted from the usual interrogatories as to who I was, where I came from, where I was going to, and what I was about, &c., I did not usually consider it necessary or expedient to answer these questions.

93. As I have already stated, cotton and cultivation were the constant topics of conversation, and I sat a listener to discussions that were purely the expression of the opinion of the parties to one another.

94. A very short time now will test the correctness of the information I have brought with regard to the prospects of the present crop, and speculation should await that period. My chief object is to point to the future, with reference to the interests entrusted to me.

95. There may yet be time to effect a good deal towards augmenting the supply of cotton, even for next season, from other sources; and in recommending every possible effort to be made that can tend to effect that object, I willingly accept any responsibility that may attach itself to such advice, as I feel assured that the price of cotton will rule at rates that will leave parties engaged in that cultivation no cause to regret having adopted it.

I have, &c.,

(Signed) G. F. FORBES,

Cotton Commissioner.

Government of India.

PUBLIC WORKS DEPARTMENT.

PUBLIC WORKS GRANT FOR 1867-68.

Circular No. 83, *dated Simla, the* 9*th October* 1866.

THE Governor General in Council observes that it was decided in 1865* that the grants for Public Works should in future be distributed among the different Local Governments and Administrations, in time to admit of the annual estimates being framed for the exact sums definitively made available. In pursuance of this Resolution, the grants for 1866-67 were distributed in the latter end of October 1865,† and the estimates for that year submitted in the following January, were accordingly all prepared in view to the appropriations of the exact amount thus provided beforehand. This was the first occasion on which this arrangement came into operation, and while, on the one hand, it rendered the disposal of the estimates in this department, a much more simple and expeditious matter than it used to be, on the other, the Local Governments and Administrations were enabled to make well considered arrangements beforehand for the disposal of their grants, with a reasonable expectation that they would not be subject to alteration, except in details. It may be hoped that this arrangement has conduced to a careful application of money to the best purpose, and to the maintenance of a sustained and steady rate of progress in the operations of the Department.

* P. W. Circular No 69 of 1865.

† P. W Circular No. 107, dated 24th October 1865.

2. The end of the financial year having now been changed from the 30th April to the 31st March, it has become necessary also to antidate the time fixed for distributing the Public Works grants, and the Governor General in Council accordingly now proceeds to determine those for the coming year.

I.—MILITARY WORKS.

3. The sketch estimate of requirements under this head called for by Circular No. 62 of 1866, has been received from every part of India, except Bombay, from which Presidency only a telegram has been as yet received on the subject. The estimates abstracted in the following Table, amount to

238¼ lakhs, against an estimate and grant of 190 lakhs in the current year. Allowing for an increase of establishment charges of 12 lakhs, against a similar provision of 10 lakhs in 1866-67, in connection with the increase of business arising out of the Military Works, the estimate for this head of service will virtually be 250 lakhs, which is nearly the sum which it was anticipated* at the time when the re-construction of barracks throughout India was first determined on, would be the quota to be supplied in 1867-68 for this object.

* Despatch No. 68, dated 30th June 1865, to Secretary of State.

Governments and Administrations.	Abstract of Estimates submitted.			
	Original works.	Repairs.	Total.	
	Lakhs.	*Lakhs.*	*Lakhs.*	
Madras	Not reported		12	
Bombay	.....	.....	55½	
Bengal	22	5	27	
North-Western Provinces	41¼	4¾	46	
Punjab	39¾	3½	43¼	Reduced to 43 lakhs.
Central Provinces	11⅙	⅚	12	
British Burmah	7¼	¾	8	
Oudh	11¾	1	12¾	
Hyderabad	7	¾	7¾	
Rajpootana	7½	½	8	
Central India	5½	½	6	
Total	.....	.. ...	238¼	

4. The Governor General in Council therefore fixes the special grant for Military Works at 238 lakhs, including the works in the Bombay Presidency chargeable to the Special Fund—the total sum assigned to each Province being that entered in the last column of the foregoing Table. This grant will not be available for any other purpose, and its final confirmation will of course be dependent on the timely preparation of detailed estimates for the works to be provided for from it.

IRRIGATION WORKS.

5. The intention of the Government of India to make special provision for the prosecution of Irrigation Works, beyond what is likely to be available from the ways and means of each year, was announced in Public Works Circular No. 25 of 1866, in which the different Governments and Administrations were invited to prepare and submit projects for any works of this class which should be calculated to prevent distress from drought, and which should afford a prospect of being remunerative. In view to an actual commencement being made during the coming year of the more rapid progress contemplated by this arrangement, beyond what has hitherto been practicable, the Governor General in Council determines to assign a special grant of 35 lakhs for this purpose, which, it is believed, is as much as the present state of preparation will admit of being profitably spent. This grant will be thus distributed—

	Lakhs.
Madras	8
Bombay	7
Bengal	5½
N. W. Provinces	8
Punjab	5
Central Provinces	1½
Total ...	35

6. The conditions under which this special grant, and any subsequent ones to be made in succeeding years, will be given, require that they shall be specially appropriated to this service, and not be applicable to any other purpose. And since it would not be practicable to distinguish between the expenditure incurred from special and ordinary grants on the same works or class of works, it becomes necessary to deal with the *whole* grant for *new* irrigation works as special, and to place it on the same footing as that for military works.

7. Taking therefore the grants for *new* Irrigation Works as passed in the estimates of the current year, which amount in round numbers to 35 lakhs, and adding thereto the special grant distributed as above, the Governor General in Council declares the following to be the grants and distribution for this head of service for 1867-68—

	Lakhs.
Madras	15
Bombay	12½
Bengal	6
N. W. Provinces	23
Punjab	12
Central Provinces	1½
Total	70

8. It is to be understood that the estimates need not be limited to the above figures, if additional funds can be supplied from the total grant (other than military); but that these sums are not transferable to other services, and that their final allotment is contingent on duly approved projects being forthcoming for their appropriation, on the terms prescribed in Circular No. 25 of 1866.

OTHER SERVICES.

9. The sum allotted in the current year for services other than Military was 371 lakhs, of which 10 lakhs was held to be due to the extra provision required for the establishments connected with military buildings. The sum provided on this occasion for a similar purpose is 2 lakhs more, so that the whole grant for purposes other than military, is 373 lakhs; and deducting from this the 35 lakhs devoted to *new* irrigation works, there remains a sum of 338 lakhs, which the Governor General in Council determines to distribute as follows:—

	Lakhs.
Madras	55
Bombay	53½
Bengal	67½
N. W. Provinces	49¾
Punjab	38
Central Provinces	26¼
British Burmah	18
Oudh	12¾
Hyderabad	6¼
Rajpootana	3½
Central India	5½
Coorg	2
Total	338

10. The grant for the Central Provinces includes 7 lakhs to be specially devoted to the Godavery Navigation Works under the head of original works, excluding charges for establishment.

11. The total grant will therefore be as follows, compared with that for 1866-67:—

	1867-68. *Lakhs.*	1866-67. *Lakhs.*
Military	238	190
New Irrigation Works	70	35
Other Services	338	336
Total ...	646	561

12. The Table attached to this Resolution shews the total grant assigned to each Presidency and Province agreeing with the foregoing figures. The Budget Estimates should now be framed accordingly, the following conditions being understood and observed:—

1.—That the part of the estimate of each Presidency or Province to be devoted to military works is not transferable to other objects, although if the share assigned to any Province be not

required in full, it may be reduced, a corresponding reduction being made in the total of the Budget Estimate of that Province.

II.—That the grant assigned for original Irrigation Works is also not to be diverted from that purpose, but that there is no objection to its being increased if thought proper, provided the total grant of the Province be limited by the total amount here assigned.

III.—That the sums assigned for other services will be distributed by each Local Government and Administration according to the requirements of the case,—upon Civil Buildings, Communications, Miscellaneous Public Improvements, Repairs to Irrigation Works and to other works (not Military), Tools and Plant, and Establishments,—subject to the general review of the Governor General in Council. This portion of the grant will also include all necessary provision for land required for Public Works, for State expenditure on guaranteed Irrigation Works, and Railways not guaranteed, and for Stores, excepting those required for Military buildings, to be supplied on indent from London.

IV.—That the State expenditure on guaranteed Railways is to be in addition to the grants now assigned, the estimate for each Local Government and Administration being framed as usual on the actual requirements of the year.

13. A separate communication will be addressed to the Government of Bombay, regarding the grant to be assigned for works debitable to the special land fund.

14. The Governor General in Council requests that Local Governments and Administrations will take measures to ensure that the Budget Estimates are rendered with complete punctuality and in proper form. Particular attention should be given to the remarks made in the Budget orders of the current year on this head, in view to their being rendered on this occasion free from mistakes of any kind.

Governments of Madras, Bombay, Bengal, North-Western Provinces and Punjab.
Chief Commissioners of Central Provinces, British Burmah and Oudh.
Commissioner of Coorg.
Resident, Hyderabad.
Agents, Governor General, for Central India and Rajpootana.

ORDER.—Ordered that the foregoing Resolution be forwarded to the Local Governments and Administrations noted in the margin, for information and guidance.

Ordered also, that a copy be forwarded to the Financial Department for information.

(Signed) C. H. DICKENS, *Lieut.-Col.*, R. A.,
Secretary to the Government of India.

Abstract of the grants assigned for expenditure on Public Works, for 1867-68, *excluding State expenditure on guaranteed Railways.*

Governments and Administrations.	GRANTS FOR 1867-68.				Grants for 1866-67, as finally sanctioned by Government of India.
	Special grant for Military Works.	Special grant for original Irrigation Works.	Other services, *viz.*, Civil Buildings, Communications, Miscellaneous Public Improvement, Repairs to Irrigation Works, Establishment, Tools, and Plant.	TOTAL.	
	Lakhs.	*Lakhs.*	*Lakhs.*	*Lakhs.*	*Lakhs.*
Madras	12	15	55	82	70
Bombay	55½*	12½	53½	121½*	92
Bengal	27	6	67½	100½	84¼
N. W. Provinces ...	46	23	49¾	118¾	102¾
Punjab	43	12	38	93	84¾
Central Provinces ...	12	1½	26¼†	39¾	36½
British Burmah	8	...	18	26	25¾
Oudh	12¾	...	12¾	25½	25
Hyderabad	7¾	...	6¼	14	12¾
Rajpootana	8	...	3½	11½	10¾
Central India	6	...	5½	11½	12
Coorg	...	...	2	2	1½
Straits Settlements ...	...	...	.....	...	3½
Total ...	238	70	338	616	561

* Including the *Military* Works chargeable to the special fund.

† Including a special grant of seven lakhs (excluding establishment charges) for the Godavery Navigation Works, which is not applicable to any other object.

Government of India.

PUBLIC WORKS DEPARTMENT.

ACCIDENTS ON RAILWAYS DURING THE YEAR 1865.

Returns of the number and nature of the accidents, and of the injuries to life and limb, which have occurred on all the Railways open for traffic in India during the year 1865.

Note by Captain E. C. S. Williams, R. E., Under-Secretary to the Government of India, Public Works Department.

Table No. I contains a brief record of every accident, reported during the year, whether to persons or trains. It also includes (though they are not classified in the subsequent Tables) cases of damage caused to the lines by floods or otherwise, even when unaccompanied by accidents to trains, &c. Such occurrences add to the risks of travelling, and should therefore be included.

Table No. IA. is an abstract of *Table* No. I. For the sake of comparison the figures for the previous year have also been entered. There were 284 accidents to trains, &c., on 3,153 miles of open line in 1865, against 345 accidents on 2,699 miles in 1864. This decrease is very satisfactory, especially as respects the Bombay lines on which, with an increased length open of 17 per cent., the number of accidents decreased 37 per cent. On the Madras lines the number of accidents is, as heretofore, remarkably small—only 5. On the Bengal lines the decrease in the number was 4 per cent. against an increase of open mileage of 17 per cent., and of train mileage of 23 per cent. Comparing the Bengal and Bombay lines on the basis either of the open or the train mileage, the accidents on the former are excessive.

The number of "collisions" has risen from 57 in 1864 to 83 in 1865. The increase occurred almost entirely on the East Indian Railway, on which line the collisions were half as many again in 1865 as in 1864. But the number of trains, &c., "getting off their "proper line," and the number of cases of "running over cattle," have fallen from 167 to 110, and from 47 to 18 respectively. The reduction in the first of these two classes of accident, was confined to the East Indian and Great Indian Peninsula Railways. Of the second class there were only three cases reported over the whole extent of the East Indian Railway Company's system, and the numbers of cases have been much reduced on the Great Indian Peninsula and Bombay, Baroda and Central India lines. The reduction on the Bombay lines is ascribed to the improvement of the fencing on the Great Indian Peninsula Railway, and to the introduction of cattle guards. On the Bombay, Baroda and Central India line the fencing is said to be in a worse state than ever.

Cases of "fire" were confined to the North-Western Division of the East Indian Railway (on which wood fuel was chiefly used), and to the Bombay lines; but on these latter there has been a diminution from 23 in 1864 to 14 in 1865, ascribed to the extended introduction of covered wagons for carrying cotton, to the greatly increased use of coke which gives out less sparks, and to the custom that prevails now of invariably placing several wagons (even running empties for the purpose, if none others are available) between the engine and cotton wagons.

Of the total number (284) of accidents to trains, &c., only 27 are not precisely classified by the forms adopted.

Turning to accidents to persons there were, in all, 316 persons killed or injured against 256 in 1864, *i. e.*, there was an increase in number of 20 per cent., while the open mileage was increased by 17 per cent. The increase in number is the more remarkable as the accidents to trains, &c., decreased by upwards of 17 per cent. There were fewer passengers affected from causes beyond their own control, and far more servants of Companies; but the increase of casualties among the latter class was chiefly due to the occurrence of two serious collisions with special wood trains on the Madras Railway.

Table No. II. exhibits the accidents to persons on each Railway. Travellers on the Madras Railways continue to enjoy perfect immunity, and the total absence of accidents to passengers arising from their own misconduct or incaution, testifies to the efficient organization of the establishments employed on those lines.

The actual number of passengers affected from causes beyond their own control on all Indian Railways was 48, of whom 18 were killed and 30 were injured. From these figures it is deduced that of one hundred million passengers, 137 would have been killed and 228 injured. On the lines of Great Britain in 1860, the corresponding numbers were respectively 15 and 247.

Eighteen passengers were victims to their own imprudence or misconduct, and of these 9 were killed and 9 injured. Nearly the whole of these accidents occurred to Natives in attempting to get in or out of trains in motion, or from falling out of trains or off platforms, and so being run over.

In *Table* No. IIA. the accidents to servants of Companies, &c., are classified in some detail. This is the first occasion that this has been attempted. The number (42) killed and injured in attempting to get upon or off, or falling from, engines or carriages in motion, as also the still larger number (52) run over or struck whilst incautiously crossing, standing or walking upon the line, make it desirable that the Railway authorities should endeavour to impress more effectually on their servants the great risks to which they expose themselves by acting incautiously, or contrary to regulation.

On the Bombay, Baroda and Central India Railway gatemen have suffered owing to a misconception of orders. They were under the impression that they should exhibit their signals on a particular side of the line, and in running across from their lodges were often surprised by the train. Orders have been given that signals shall, except in peculiar cases, be shewn on whichever side of the line the lodges may happen to be. A few accidents have occurred on this line also from the narrowness of the iron bridges between girders. Stringent regulations are now in force against the servants of the Company going outside the train when in motion, except in cases of great emergency, and the accidents have consequently been less.

Out of 49,398 servants employed on all lines, 96 were killed and 97 injured, or 193 in all against 147 in 1864, with about the same number of servants. Of these casualties 136, or 1 in 363, occurred in 1865 through incaution or misconduct. The numbers of servants returned on the Bombay lines are, however, said to be unreliable.

In future returns the *engine* mileage should be shewn in this Table, instead of the *train* mileage.

Reverting to *Table* No. II. it will be seen that among persons, neither passengers nor servants, there were 57 casualties, of which 46 were fatal. In 1864 there were only 36 casualties of this class. By far the larger number of these were trespassers, of whom 30 were killed. It is suggested in the note accompanying the Bombay Returns that the larger portion of this class of accidents arises from persons being admitted on the platform, and their being allowed to stroll amongst the wagons in the goods sidings where they are either struck in shunting operations or run over by engines. If this be the case, the remedy is obvious. Of persons crossing at level crossings six were killed These accidents are also preventible.

Table No. III. classifies the accidents to trains, &c., on each Railway, and shews the number of persons killed or injured by them. In the 284 accidents which occurred, 32 persons were killed and 67 injured, or the killed and injured by accidents to trains, &c., amounted only to 99 out of 316—the total number of casualties from all causes.

A very large increase in the number of accidents arising from defects in the rolling-stock is observable on the East Indian and Great Indian Peninsula Railways, and the number (51) of accidents due to a defective condition of the road or fences, especially on the Great Indian Peninsula Railway, is still large. As many as 77 accidents were caused by the negligence of pointsmen, of which no less than 62 took place on the East Indian Railway. The frequency of this class of accidents on that line is very great. The numbers of cases in which the Locomotive and Traffic Departments of the East Indian Railway are at fault, are large compared with other lines. Of the total number of accidents on all lines, 61 are classed as "unavoidable or not accounted for," and one as due to malice, but 46 cases of fire are included amongst these.

In *Table* No. IIIA. an attempt has, for the first time, been made to shew the accidents to passenger trains separately. The result may not be strictly correct, as the descriptions of the accidents in *Table* No. I. are not in all cases precise as to the kind of train affected. There were 33 accidents in all to passenger trains, of which only 7 (including 4 cases of fire) were not preventible. There were 24 collisions. Of these, 9 were due to pointsmen, and 8 to the fault of the Traffic Department. There was a very serious accident on the Great Indian Peninsula Railway by a train getting off the line, cause unknown. There was also a bad collision on this line a detailed account of which is appended to the Returns. Two collisions of a serious nature occurred also on the East Indian Railway. Altogether, in the accidents to passenger trains, 16 passengers were killed and 30 passengers and 3 servants were injured.

Table No. IV. affords a summary of the accidents for each Presidency, and a comparison of the number of passengers, and the open and train mileage. The falling off in the total number of passengers on the Bombay Railways in 1865 is due to an enhancement of fares on the Great Indian Peninsula Railway, which, though remunerative to the Company, made the numbers less by half a million in 1865 than in 1864. The traffic on the Sindh Railway was stationary in these two years, so that the Bombay, Baroda and Central India line is the only one which shews a developed traffic. A satisfactory feature of the traffic on the Madras Railways is the increased number of passengers per mile open. The diminution in this respect on the Bengal and Bombay lines may be accounted for, to some extent, by the less thickly populated tracts traversed by the two chief lines on each side of India as they penetrate farther into the country; but the increased fares on the Great Indian Peninsula Railway are responsible for upwards of half the falling off on the Bombay lines.

Circular No. 20, dated 11th October 1866.

RESOLUTION,—By the Govt. of India, P. W. Dept.

READ—

The Returns of the number and nature of the accidents, and of the injuries to life and limb, which have occurred on all the Railways open for traffic in India during the year 1865, with a note by the Under-Secretary in the Public Works Department thereon.

These Returns have been submitted and compiled in better time than previously, but there is still room for improvement in this respect. The interest of the Public in such Returns is in proportion to their prompt appearance. The local Returns were received on the dates marginally noted.

MADRAS ... { 13th February. 12th June *(revised)*.
PUNJAB ... { 28th March 2nd July *(revised)*.
BENGAL ... .. 31st May.
BOMBAY .... 31st July.

2. *Passengers.*—It is satisfactory to find that, with an increase in the number of passengers carried of 5 per cent. over the previous year, the number of casualties* to passengers from causes beyond their own control, were 4 per cent. less than in that year, excluding the short Nulhattee line of the Indian Branch Railway Company, the particulars of which are incomplete. The accidents to passengers arising from their own misconduct or incaution were 18 in number, half of them being fatal. In 1864 they numbered 11. The number of victims of their own imprudence would probably be reduced if notices in the vernaculars were posted at Stations cautioning passengers of the extreme danger of attempting to get on or off trains unless they are absolutely at a stand-still, and of standing near the edge of the platforms.

* 18 Killed, 30 Injured.

3. *Servants.*—The number of servants returned as employed by Companies is not very reliable, but the figures given shew that they numbered somewhat fewer in 1865 than in 1864. Roughly they may be set down at 50,000. There were 147 casualties amongst them in 1864, against 193 in 1865. Of the latter number 136 were due to misconduct or incaution; and of these 42 occurred in attempting to get upon, or off, or falling from engines or carriages in motion, and 52 while

incautiously crossing, standing, or walking on the line. The attention of the Railway authorities may be invited to the frequency of these accidents, in view to their taking measures to impress upon their servants the risks to which they expose themselves by disobedience of regulations and incaution, as instanced by these figures. The increase in the total number of casualties in 1865 over 1864 was 31 per cent., the open mileage being only 17 per cent., and the train mileage 9 per cent., in excess of 1864.

4. *Other persons.*—Amongst other persons, neither passengers nor servants of Railway Companies, the increase in the number of casualties is very considerable. They were 57 in number, or 72 per cent. more than in 1864. If the practice is at all common of allowing persons on the platform to stray on to the lines, and if it is to such persons that accidents are frequent, as is alleged of the Bombay lines, it would seem to be within the power of the Railway authorities to reduce the number of casualties so occurring.

5. *Trains, &c.*—Whilst the train mileage increased 9 per cent. compared with 1864, the number of accidents to trains, &c., decreased by nearly 18 per cent. The reduction is chiefly confined to the Bombay lines, and is noticed by the Governor General in Council with satisfaction. With the greater attention now being paid to maintenance and the renewal of defective sleepers on the Great Indian Peninsular Railway, it may be expected that the reduction will be carried still further; for out of a total number of accidents to trains on this line of 67, no less than 21 are classed as due to defects in road and works. The large number of accidents arising from the fault or neglect of pointsmen on the East Indian Railway, shews that further improvements in the manning and working of points are demanded.

6. The Governor General in Council requests that the Governments charged with the administration of Railways, especially those of Bombay and Bengal, will take measures to ensure a more punctual submission of the Returns of accidents during the current year. They should be prepared in the forms in which the accidents for last year have been compiled, care being taken that the record of accidents to passenger trains in Table No. I. is precise, so as to ensure the correctness of Table No. IIIA., in which the accidents to those trains are separately classified. The engine and not the train mileage should be shewn in Table No. IIA.

ORDER.—Ordered that this Resolution be communicated to the Governments noted on the margin for information and guidance, together with copies of the Returns compiled in this Department, and of the note thereon.

Madras.
Bombay.
Bengal.
Punjab.

Ordered also, that these papers be communicated to the Department, Government and Administrations marginally noted, for information, and that copies be forwarded to the Secretary of State for India for the information of Her Majesty's Government.

Home Department.
Government, N. W. P.
Oudh.
Central Provinces.
Hyderabad.
Mysore.
Central India
Rajpootana.

Ordered further, that the Home Department be requested to publish in the Supplement to the *Gazette of India* this Resolution, together with its accompaniments, Table No. I. excepted.

(Signed) C. H. DICKENS, *Lieut.-Col.*, R. A.,
Secretary to the Government of India.

TABLE No. IA.

Abstract of the number and nature of the Accidents, and of the Injuries to Life and Limb, which have occurred on all the Railways open for traffic *in India during the year* 1865.

Presidency.	Mean Mileage Open.	Railways.		Classification of Accidents to Trains, &c. — Main Heads. I. Collisions.	II. Getting off proper line.	III. Fire.	IV. Running over Cattle.	V. Other causes.	Totals.	Passengers. From causes beyond their own control. Killed.	Injured.	From their own misconduct or want of caution. Killed.	Injured.	Servants of Companies or of Contractors. From causes beyond their own control. Killed.	Injured.	From their own misconduct or want of caution. Killed.	Injured.	Other Persons. Whilst crossing at level crossings. Killed.	Injured.	Whilst trespassing (including suicide). Killed.	Injured.	Miscellaneous. Killed.	Injured.	Total persons of all classes. Killed.	Injured.	Killed and Injured.
Bengal	1127	East Indian	1865	63	65	32	3	18	181	9	11	7	7	...	4	20	20	...	...	6	...	9	6	51	48	99
	1058		1864	42	91	29	21	8	191	..	1	4	4	3	6	35	18	2	1	10	1	...	1	54	32	86
"	110	Eastern Bengal	1865	1	...	..	..	..	1	...	1	...	...	...	..	1	4	...	..	2	...	...	...	3	5	8
	110		1864	...	1	...	...	...	1	...	..	...	...	...	...	...	.	...	...	...	...	...	...	...	...	...
"	28	Calcutta and South Eastern	1865	...	..	..	...	...	..	...	..	...	..	...	...	1	..	...	...	..	...	..	...	1	...	1
	28		1864	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	..	...	...	...	...
"	27	Indian Branch	1865	...	..	...	..	.	...	..	..	...	...	...	...	...	..	...	...	...	..	...	..	...	...	...
	27		1864	...	1	..	...	...	1	...	13	...	...	...	...	...	..	...	...	...	...	...	...	...	13	13
"	188	Punjab	1865	1	2	...	...	2	5	...	...	..	...	...	1	8	11	...	...	...	...	..	...	8	12	20
	45		1864	...	...	1	...	.	1	...	...	...	...	...	...	3	1	...	...	.		...	...	3	1	4
Madras	584	Madras (S. W. and N. W.)	1865	3	1	...	1	...	5	...	...	...	...	10	27	14	3	2	...	4	1	...	...	30	31	61
	492		1864	...	3	..	...	1	4	..	...	...	...	...	...	7	4	...	...	4	..	...	...	11	4	15
"	79	Great Southern of India	1865	...	..		..	..	..	...	...	...	...	...	...	1	..	...	...	...	..	...	...	1	...	1
	79		1864	...	...		...	...	...	...	...	...	...	.	...	...	1	..	...	...	...	...	...	..	1	1
Bombay	599	Great Indian Peninsula	1865	11	36	9	8	3	67	9	17	2	...	5	5	13	9	2	...	11	2	...	...	42	33	75
	559		1864	11	66	12	17	8	114	17	29	1	..	1	2	15	20	...	..	10	4	1	..	45	55	100
"	306	Bombay, Baroda, & Central India	1865	3	6	5	3	1	18	...	1	.	2	2	2	19	7	2	..	7	1	1	1	31	14	45
	196		1864	3	4	8	9	3	27	1	1	...	2	1	7	3	6	...	..	1	...	...	...	6	16	22
"	105	Sindh	1865	1	...	...	3	3	7	...	...	...	...	1	...	1	4	...	...	...	...	...	...	2	4	6
	105		1864	1	1	3	...	1	6	..	...	...	...	...	..	5	9	...	.	1	...	...	...	6	9	15
India	3153	Grand Total	1865	83	110	46	18	27	284	18	30	9	9	18	39	78	58	6	...	30	4	10	7	169	147	316
	2699		1864	57	167	53	47	21	345	18	44	5	6	5	15	68	59	2	1	26	5	1	1	125	131	256

TABLE No. II.

Numerical abstract of Accidents to Persons *of all classes on all Railways* open for traffic *in India during the year* 1865.

	BENGAL, NORTH WESTERN PROVINCES, AND PUNJAB.										MADRAS.				BOMBAY.						TOTAL.		
	E. INDIAN.		E. BENGAL.		C. AND S.-E.		I. B.		PUNJAB.		MADRAS.		G. S. OF I.		G. I. P.		B., B. & C. I.		SINDH.				
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed and Injured.
PASSENGERS.																							
From causes beyond their own control, viz.—																							
From accidents to trains	8	11	...	1	..	...	...	...	...	...	...	...	..	.	9	17	...	1	...	...	17	30	47
From other causes	1	...	..	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	1	...	1
TOTAL	9	11	...	1	...	...	...	...	...	..	...	...	...	...	9	17	...	1	...	...	18	30	48
Per million of Passengers	2·117	2·588	...	·833	..	...	...	..	...	...	...	..	...	...	2·872	5·426	...	·676	...	...	1·367	2·278	3·645
From their own misconduct or incaution	7	7	..	...	.	...	..	...	..	...	...	...	...	...	2	...	...	2	...	...	9	9	18
Per million of Passengers	1·647	1·647	...	...	...	...	...	...	...	..	...	...	...	...	·638	...	...	1·353	...	...	·683	·683	1·366
Total from all causes	16	18	...	1	..	...	...	...	...	...	...	...	...	...	11	17	...	3	...	...	27	39	66
SERVANTS OF COMPANIES AND OF CONTRACTORS.																							
From causes beyond their own control	...	4	..	...	..	...	...	..	...	1	10	27	..	...	5	5	2	2	1	...	18	39	57
From their own misconduct or incaution	20	20	1	4	1	...	...	...	8	11	14	3	1	...	13	9	19	7	1	4	78	58	136
Total from all causes	20	24	1	4	1	...	...	...	8	12	24	30	1	...	18	14	21	9	2	4	96	97	193
OTHER PERSONS.																							
Crossing at level crossings	..	...	...	...	...	...	...	...	...	...	2	...	...	...	2	...	2	...	..	...	6	...	6
Trespassers, including suicide	6	...	2	...	...	...	...	...	...	...	4	1	...	...	11	2	7	1	...	...	30	4	34
Miscellaneous	9	6	..	...	...	.	...	...	...	...	...	...	...	...	...	...	1	1	...	...	10	7	17
Total from all causes	15	6	2	...	...	...	...	...	...	...	6	1	...	...	13	2	10	2	...	...	46	11	57
Grand Total of all classes from all causes	51	48	3	5	1	...	...	...	8	12	30	31	1	...	42	33	31	14	2	4	169	147	316
Mean length of Railway open during the year (Miles)	1,127		110		28		27		188		584		79		599		306		105		3,153		
Number of Passengers carried	4,249,619		1,199.452		332,236		*		486,025		1,814,582		393,292		3,133,045		1,477.253		111,180		13,196,684		
Train Mileage (Goods and Passengers)	4,265,246		324,611		62,752		*		221,951		1,312,317		136,735		2,260,182		531,393		285,636		9,400,823		

* Returns not received.

TABLE No. IIA.

Classified abstract of Accidents to Servants of Companies and of Contractors *on all Railways* open for Traffic *in India during the year* 1865.

CLASSIFICATION.	BENGAL.										MADRAS.				BOMBAY.						TOTAL.		
	E. I. RY.		E. B. R.		C. & S.-E. RY.		I. B. RY.		PUNJAB RAILWAY.		MADRAS RAILWAY.		G. S. OF I. RAILWAY.		G. I. P. RAILWAY.		B., B. & C. I. RAILWAY.		SINDH RAILWAY.				
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed and Injured.
I.—FROM CAUSES BEYOND THEIR OWN CONTROL, *viz.*:—																							
(*a*).—*Servants employed on Trains in motion*—																							
1. Collisions	...	3	...	...	...	...	...	...	...	...	10	27	...	...	1	4	2	2	...	...	13	36	49
2. Trains running into sidings, or off their proper line, through points being wrong	...	..	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	..	...	...	..	...	..
3. Trains or engines getting off rails	...	1	...	...	...	..	...	...	...	..	...	...	...	...	...	...	..	...	...	...	...	1	1
4. Accidents arising from defects in rolling-stock... ...	...	...	...	...	...	..	...	...	...	...	..	...	...	...	...	...	...	...	...	..	...	...	...
5. Miscellaneous	...	..	..	..	...	...	...	..	...	..	..	...	...	...	1	..	...	..	...	...	1	...	1
TOTAL	...	4	..	..	...	...	..	...	...	...	10	27	...	...	2	4	2	2	...	...	14	37	51
(*b*).—*Servants employed in Stations or on Line*—																							
1. Run over or crushed between buffers while coupling or uncoupling carriages or wagons	...	...	...	...	...	..	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...
2. Run over while shunting trains	...	..	...	..	...	..	...	...	...	1	...	...	...	...	1	...	...	...	...	...	1	1	2
3. Run over or struck while properly performing other duties	...	...	...	...	...	...	..		..	...	...	...	...	...	2	1	...	...	1	...	3	1	4
4. Miscellaneous	...	..	...		...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	..	...
TOTAL		...	...	...	...	...	...	..	..	1	...	...	...	.	3	1	...	...	1	.	4	2	6
II.—FROM INCAUTION OR MISCONDUCT, *viz.*:—																							
(*a*).—*Servants employed on Trains in motion*—																							
1. Collisions	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
2. Attempting to get upon, or off, or falling from, engines or carriages in motion	7	7	...	3	...	...	...	..	4	5	4	1	...	...	1	2	5	1	1	1	22	20	42
3. Miscellaneous	...	1	...	...	...	...	..	...	..	...	...	...	...	...	1	...	3	1	...	...	4	2	6
TOTAL	7	8	..	3	...	...	...	...	4	5	4	1	...	...	2	2	8	2	1	1	26	22	48
(*b*).—*Servants employed in Stations or on Line*—																							
1. Crushed between buffers, or run over while coupling or uncoupling carriages or wagons	5	5	...	1	..	...	...	...	...	..	...	1	1	...	2	...	..	...	...	..	8	7	15
2. Run over or struck while shunting train	1	2	...	...	...	...	...	..	1	...	...	...	...	...	3	...	2	2	...	..	7	4	11
3. Run over or struck while incautiously crossing, standing, or walking upon line	7	2	1	...	1	...	...	..	3	4	10	1	..	...	6	5	8	2	...	2	36	16	52
4. Miscellaneous	..	3	...	...	..	...	...	..	...	2	...	...	...	..	...	2	1	1	...	1	1	9	10
TOTAL	13	12	1	1	1	...	...	...	4	6	10	2	1	...	11	7	11	5	...	3	52	36	88
GRAND TOTAL	20	24	1	4	1	..	...	...	8	12	24	30	1	...	18	14	21	9	2	4	96	97	193
Train Mileage ..	4,265,246		324,611		62,752		*		221,951		1,312,317		136,735		2,260,182		581,393		285,636		9,400,823		
Number of servants employed ...	16,710		2,330		340		*		1,704		8,999		567		15,601		2,062		1,085		49,398		

* Returns not received.

TABLE No. III.

Numerical abstract of Accidents to Trains, *&c., on all Railways* open for traffic *in India during the year* 1865, *showing their causes and the number of persons killed and injured thereby.*

Railways and nature of accidents.	Number of Accidents.	Passengers.		Servants of Companies and of Contractors.		Other persons not passengers or servants of Companies, or of Contractors.		Total servants, passengers, and others.		Classification of Accidents.												
										Apparently unavoidable or not accounted for.	Defects in Rolling-stock or Road and Works.			Neglect or defects in Management or Discipline.							Improper interference by persons not under the control of the Company.	Malicious acts of persons not under the control of the Company.
		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.		Rolling-stock	Road and Works.	Fences.	Locomotive Department.	Guard.	Traffic Department.	Working Signals and Telegraph.	Pointsmen.	Gatesmen and Police.	Workmen employed on line.		
										a	b	c	d	e	f	g	h	j	k	l	m	n
East Indian—(1,127 miles open).																						
I.—Collisions	63	8	11	...	3	1		9	14	1	..	1	..	23	1	15	1	20	...	1	...	..
II.—Getting off proper line	65	...	.	..	1		..		1	9	3	8	.	5	1	2	...	35	...	2	...	...
III.—Fire	32		...	...	..	.	...		..	32	.		..	.		...	..	..	...	...	..	..
IV.—Running over Cattle	3	...	...	...	..	.	...	.	...	.	..	..	3		...	...	...	..	.	.	..	...
V.—Other causes	18	.	..	...	...	.	.	..	...	2	2	1	...	1	1	...	.	7	1	2	...	1
Total	181	8	11	...	4	1	..	9	15	44	5	10	3	29	3	17	1	62	1	5	...	1
1864—(1,058 open). Total	191	.	1	2	3	...	.	2	4	43	1	7	20	20		13	1	73	3	8		2
Eastern Bengal—(110 miles open).																						
I.—Collisions	1	...	1	...	..	...	...	..	1	...	...		.	...	..	...	...	1	...	..	...	...
1864—(110 open). Total	1	...	..	..	..	...	...	..			...		.	...	..		...	1	...	...	.	..
Calcutta and South-Eastern—(28 miles open).																						
Nil.																						
1864—Nil—(28 open).																						
Indian Branch—(27 Miles open).																						
Nil. Total	...	...		...	...	...	...	..	...	...	...	...	...	...	..	..	...	...	...	...	..	..
1864—(27 open). Total	1	.	13	...	...	...	..	...	13	1	...	...	...	..	...	..	...	...	..	...	...	..
Punjab—(188 miles open).																						
I.—Collisions	1	..	...	...	...	...	...	...	...	..	...	..	...	..	...	1	.		...	...	...	.
II.—Getting off proper line	2	...	...	...	...	...	..	...	..	1	...	...	...	...	...	..	...	1	...	...	...	
V.—Other causes	2	...	..	...	...		...	...	..	...	1	..	.	...	..	1	...	...	...	...	...	
Total	5		...	..	..	..	...		...	1	1	...	...	...	...	2	..	1	...	...	...	
1864—(45 open). Total	1	...	...	...	...	...	...	...	...	1	..	...	...	...	...	...	...	..	...	...	...	...

MADRAS—(584 MILES OPEN).																						
I.—Collisions	3	...	...	9	27	...	...	9	27	...	...	...	...	...	2	1	...	...	...	...	...	...
II.—Getting off proper line	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...
IV.—Running over Cattle	1	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...
TOTAL	5	...	...	9	27	...	...	9	27	...	...	...	1	...	2	1	...	1	...	...	...	...
1864—(492 OPEN). TOTAL	4	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	2	1	...	...	...
GREAT SOUTHERN OF INDIA—(79 MILES OPEN).																						
Nil.																						
1864—Nil—(79 OPEN).																						
GREAT INDIAN PENINSULA—(599 MILES OPEN).																						
I.—Collisions	11	1	...	1	4	...	...	2	4	...	...	...	...	3	1	...	...	2	...	5	...	...
II.—Getting off proper line	36	8	17	...	...	...	...	8	17	2	5	21	...	1	...	...	...	6	...	1	...	...
III.—Fire	9	...	...	...	...	...	...	...	...	9	...	...	...	...	...	...	...	...	...	...	...	...
IV.—Running over Cattle	8	...	...	...	...	...	...	...	...	...	...	...	8	...	...	...	...	...	...	...	...	...
V.—Other causes	3	...	...	1	...	...	...	1	...	...	2	...	...	1	...	...	...	...	...	...	...	...
TOTAL	67	9	17	2	4	...	...	11	21	11	7	21	8	5	1	...	...	8	...	6	...	...
1864—(559 OPEN). TOTAL	114	17	29	...	2	...	...	17	31	16	...	29	16	7	3	9	2	22	8	1	1	...
BOMBAY, BARODA, AND CENTRAL INDIA—(306 MILES OPEN).																						
I.—Collisions	3	...	1	2	2	...	...	2	3	...	...	...	...	...	...	2	...	1	...	...	...	...
II.—Getting off proper line	6	...	...	...	...	...	...	...	...	...	...	2	...	1	...	...	...	3	...	...	...	...
III.—Fire	5	...	...	...	...	...	...	...	...	5	...	...	...	...	...	...	...	...	...	...	...	...
IV.—Running over Cattle	3	...	...	...	...	...	...	...	...	...	...	...	3	...	...	...	...	...	...	...	...	...
V.—Other causes	1	...	...	...	...	1	...	1	...	...	...	...	...	...	...	...	...	...	1	...	...	...
TOTAL	18	...	1	2	2	1	...	3	3	5	...	2	3	1	...	2	...	4	1	...	...	...
1864—(196 OPEN). TOTAL	27	1	1	...	7	...	...	1	8	10	...	1	9	3	...	...	...	3	1	...	...	...
SINDH—(105 MILES OPEN).																						
I.—Collisions	1	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...
IV.—Running over Cattle	3	...	...	...	...	...	...	...	...	...	...	...	3	...	...	...	...	...	...	...	...	...
V.—Other causes	3	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	3	...	...	...
TOTAL	7	...	...	...	...	...	...	...	...	...	...	...	3	1	...	...	...	...	3	...	...	...
1864—(105 OPEN). TOTAL	6	...	...		...			...	...	3	...	...	...	1	...	...	...	1	1	...	...	...
ABSTRACT OF ALL LINES.																						
I.—Collisions	83	9	13	12	36	1	...	22	49	1	...	1	...	27	4	19	1	24	...	6	...	...
II.—Getting off proper line	110	8	17	...	1	...	...	8	18	12	8	31	...	7	1	2	...	46	...	3	...	...
III.—Fire	46	...	...	...	...	...	...	...	...	46	...	...	...	...	...	...	...	...	...	...	...	...
IV.—Running over Cattle	18	...	...	...	...	...	...	...	...	...	...	...	18	...	...	...	...	...	...	...	...	...
V.—Other causes	27	...	...	1	...	1	...	2	...	2	5	1	...	2	1	1	...	7	5	2	...	1
1865—(3,153 miles open)—(Train Mileage 9,400,823*) GRAND TOTAL	284	17	30	13	37	2	...	32	67	61	13	33	18	36	6	22	1	77	5	11	...	1
1864—(2,699 miles open)—(Train Mileage 7,552,649*) GRAND TOTAL	345	18	44	2	12	...	...	20	56	74	1	38	45	31	3	22	3	102	14	9	1	2

* Exclusive of Indian Branch Railway.

TABLE No. IIIA.

Numerical abstract of Accidents to Passenger Trains *on all Railways* open for traffic *in India during* 1865, *showing their causes and the number of persons killed and injured thereby.*

RAILWAYS AND NATURE OF ACCIDENTS.	Number of Accidents.	Number of Passengers.		Number of Servants of Companies and of Contractors.		Other persons not passengers or servants of Companies, or of Contractors.		Total number of Servants, passengers, and others.		Classification of Accidents.												
		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Apparently unavoidable or not accounted for.	Defects in Rolling-stock, or Road and Works.			Neglect or defects in Management or Discipline.							Improper interference by persons not under the control of the Company.	Malicious acts of persons not under the control of the Company.
											Rolling-stock.	Road and Works.	Fences.	Locomotive Department.	Guard.	Traffic Department.	Working Signals and Telegraph.	Pointsmen.	Gatesmen and Police.	Workmen employed on line.		
										a	*b*	*c*	*d*	*e*	*f*	*g*	*h*	*j*	*k*	*l*	*m*	*n*
East Indian—(1,127 miles open).																						
I.—Collisions	19	8	11	...	3	...	...	8	14	1	...	1	...	3	...	6	1	7	...	...	...	..
II.—Getting off proper line	2	...	.	...	...	...	...	...	...	1	...	...	...	...	...	..	...	1	...	...	...	...
III.—Fire	4	...	...	...	..	..	..	...	...	4	...	...	.	...	...	...	...	...	..	...	...	...
V.—Other causes	1	..	...	..	..	...	...	.	..	...	..	...	..	...		...	...	1	...	...	...	...
Total	26	8	11	...	3	...	.	8	14	6	...	1		3	...	6	1	9	...	...	...	...
Eastern Bengal—(110 miles open).																						
I.—Collisions — Total	1	...	1	..		...	...	.	1	.	...	...	...		...	...	...	1	..	...	...	...
Calcutta and South-Eastern—(28 miles open). Nil.																						
Indian Branch—(27 miles open). Nil.																						
Punjab Railway—(188 miles open).																						
I.—Collisions — Total	1	...	...	...	...	...	...	...	...	..	...	...	...	...	...	1	...	...	...	...	...	...
Madras—(584 miles open). Nil.																						
Great Southern of India—(79 miles open). Nil.																						
Great Indian Peninsula—(599 miles open).																						
I.—Collisions	2	...		...	...	...	...	..	...	...	...	..	...	...	...	...	...	1	...	1	...	...
II.—Getting off proper line	2	8	17	...	...	...	...	8	17	1	...	1	...	...	.	...	...	...	...	..	...	...
Total	4	8	17	..	...	...	..	8	17	1	...	1	...	..	...	..	..	1	...	1	...	...
Bombay, Baroda and Central India—(36 miles open).																						
I.—Collisions — Total	1	..	1	...		...	...	...	1	...	...	...		...	..	1	..	...	...	...	...	...
Sindh—(105 miles open). Nil.																						
Abstract of all Lines—(3,153 miles open).																						
I.—Collisions	24	8	13	...	3	...	...	8	16	1	...	1	...	3	...	8	1	9	...	1	...	...
II.—Getting off proper line	4	8	17	...	...	...	...	8	17	2	...	1	...	...	...	...	...	1	...	...	...	...
III.—Fire	4	...	...	...	...	...	...	...	...	4	...	...	...	...	...	...	...	...	...	...	...	...
V.—Other causes	1	...	...	..	..	...		...	...	...	..	...	...	...	...	...	..	1	...	...	...	...
Grand Total	33	16	30	...	3	...	...	16	33	7	...	2	...	3	...	8	1	11	...	1	...	...

TABLE No. IV.

Showing the total number of Accidents to Persons *of all kinds, and to* Trains, *&c., on all Railways* open for traffic *in each Presidency of India during the year* 1865.

Presidencies		Mean Length of Railway open.	Total No. of Train Miles.	Train Miles per Mile open.	Total No. of Accidents to Trains, &c., of all kinds	Total No. of Passengers carried.	Average No of Passengers per mile open.	Passengers.		Servants.				Trespassers, &c.		Total.		
										Beyond own control.		Within own control.						
								Killed.	Injured.	Killed	Injured	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed and Injured.
Bengal*	1865	1,480	4,874,560	3,355	187	6,267,332	4,313	16	19	...	5	30	35	17	6	63	65	128
	1864	1,268	3,937,610	3,173	193	5,910,797	4,763	4	5	3	6	38	19	12	3	57	33	90
Madras	1865	663	1,449,052	2,186	5	2,207,874	3,330		...	10	27	15	3	6	1	31	31	62
	1864	571	1,209,909	2,119	4	1,814,800	3,178	...	...	...	...	7	5	4	...	11	5	16
Bombay	1865	1,010	3,077,211	3,047	92	4,721,478	4,675	11	20	8	7	33	20	23	4	75	50	125
	1864	860	2,405,130	2,797	147	4,821,160	5,606	19	32	2	9	23	35	13	4	57	80	137
India* ... ... Totals	1865	3,153	8,220,541	2,630	284	13,196,684	4,222	27	39	18	39	78	58	46	11	169	147	316
	1864	2,699	7,552,649	2,827	344	12,546,757	4,696	23	37	5	15	68	59	29	7	125	118	243

* Exclusive (except as respects the open mileage) of the Indian Branch Railway.

Government of India.

HOME DEPARTMENT.

FAMINE IN GANJAM.

From J. D. SIM, ESQ., *Secretary to the Government of Fort Saint George, to the Secretary to the Government of India, Home Department, Simla,—(No.* 1016, *dated the* 5*th October* 1866).

I AM directed to forward the enclosed copy of a Minute recorded by the Right Honorable the Governor, containing a full and interesting account of his Lordship's recent visit to the distressed parts of the Ganjam District, and of the measures adopted for the relief of the people.

2. The Government desire me to take this opportunity of expressing their grateful sense of the generous and cordial manner in which the Right Honorable the Viceroy and Governor General in Council has been pleased to accord his liberal sanction to all the applications of this Government, for special aid. The confidence which this liberal policy engendered, has enabled the Government promptly and effectively to carry out measures which would have lost much of their efficacy, had there been delay or hesitation in adopting them.

Minute by the Right Honorable the PRESIDENT, dated Ootacamund, the 1*st September* 1866.

IN conformity with the practice of my predecessors, I think it right to communicate of the Council the impressions which I have received on my recent tour in the portions of the Ganjam District, which are affected by famine. I am sensible, however, that I have little information to impart, which is not already known from the reports of the Local Officers. My visit to the District was prompted by the desire to show sympathy and encouragement to those who were labouring or suffering, and to stimulate the application of remedial measures which were already commenced or contemplated.

2. The Council is aware that the famine is confined in Ganjam to a limited and tolerably defined area. It is most severely felt in the coast region extending from Berhampore northwards to the southern end of the Chilka Lake; then along the winding shores of the Lake to where it is struck by the frontier of Cuttack; from the Lake westwards over a dry, hilly, diversified country, to the basin of the Ganjam River; throughout that valley with varying intensity wherever permanent channel irrigation is not applied to the land; and again with extreme severity in the parts around Suradah between the river and the Khond Hills. The area thus affected may contain about 250,000 inhabitants; but the portion in which the scarcity has risen to the pitch of starvation, does not embrace more than 120,000. By far the greater share of the afflicted country belongs to Zemindary estates, in which the revenue relations of the Government and the people are not direct. Some of these estates happen fortunately to be in charge of the Court of Wards; some belong to native proprietors, not deficient in intelligence and liberality; others, again, are in the hands of families ruined or ill-disposed, and in these the burden of relief has fallen altogether on the Government.

3. The population may be divided into four categories,—(1), the ryots; (2), the coolies, or people without land, engaged in rural labour; (3), the mendicant, vagrant, outcast, or criminal class; (4), the small traders and mechanices in the towns.

4. Of these classes, the ryots are the most meritorious and the most to be pitied. They have suffered with great resignation and self-respect. The decency of their caste prevents them from appearing at the relief-houses as sharers of promiscuous charity. The necessities of agricultural labour bind them to their holdings and homes, where it is difficult to search them out. There can be no doubt of the extremities of distress which they have endured and still endure. Some of the Ooryah cottages I have myself visited, where destitution and starvation might be seen in every pathetic and terrible form. The same story was told by the multitudes of persons gathering a precarious and unwholesome sustenance from half edible roots, berries and leaves, of which Mr. Forbes, the Collector, possesses a variety of specimens. The miserable condition of whole villages was attested by the emaciated appearance of their leading inhabitants, sent in numerous deputations to solicit help from the Collector at Chetterpore. The roads were full of wretched creatures prostrated on the earth. In many places I was pursued by clamorous crowds which might be likened to flocks of skeletons or ghosts. To an unpractised European eye, the distinction between the ryot in his ordinary garb or ordinary nakedness, and the landless labourer, is scarcely perceptible; but there is no doubt that the substantial ryot, especially on Government lands, feels his social elevation as much as the farmer in England. It was pitiable to see the reduction and ruin of an industrious order of men, invested in primitive forms with all the duties and obligations of property, and to reflect that nothing less than a succession of prosperous seasons, combined with considerate usage on the part of the Revenue Department, can restore these people to physical vigour and material welfare. While the peasant farmer starves, his cattle thrive. Repeated showers had fallen in the country, and the forage was abundant. The Hindoo peasant will perish by hunger beside a fat bullock. The prescriptions of superstition, which appear cruel to the individual, are conservative for the community; and the preservation of the labouring cattle secures the power of cultivation, and the sources of future life and wealth. It may sound harsh and sad to say so; but in India it is more easy to replace a man than an ox. The chastisements of nature are rarely universal. There will still be some feature of consolation and promise. In the condition of the live

stock I saw the "attenuating circumstance" of the Ganjam famine. It was reported that the pastoral ryots, who would under no pressure kill their cows, drink the blood of their living goats, and reserve the animals for successive depletions.

5. The impoverishment of the ryots, and the general absorption of money for the mere purchase of food had naturally arrested every kind of labour demand; and the cooly class, who have no savings and no credit, must have suffered, in the first instance, even more than the ryots. The scarcity would touch them sooner and more sharply. The cooly has, however, fewer ties, fewer scruples, and a greater habit of migration. He can resort, without degradation, to the alms-house, and can travel further in quest of employment. Government food and Government wages will henceforward be sufficiently operative to save persons habituated to unskilled rural labour from the worst degrees of suffering, and from death. The recipients of public charity in the cooly class will diminish, but those from the ryot class will increase in number, between the present time and next harvest.

6. Mixed with the settled and industrious population of the Indian village, whose morals are not worse than those of any other people, and whose habits and actions are governed by inflexible social and religious laws, there exist vile and criminal castes or miscellaneous outcastes, objects of propitiation, aversion and fear to the other inhabitants. A numerous tribe of this sort reside in Ganjam, called Dundassis, who are both hereditary thieves and hereditary detectives, levying, in either quality, contributions from the villagers. They do some menial services; they practise some casual industry in the jungles; they live on carrion; and do not scruple to eat the flesh of the sacred animal; in fact, they are apt to steal and kill him. The whole of these people seemed to fasten upon the relief-houses, in part, no doubt, from destitution; but, in part, from their habits of idleness and mendicancy. They appeared in general the least emaciated of the miserable assemblage, offering a vexatious contrast to the labouring classes who sat beside them, and to the ryots who stood afar of. I need scarcely add that the aged, infirm, deformed and helpless persons, who live in ordinary times by begging from door to door, the poorer parasites of the poor, had all recourse, under present circumstances, to the charity of the State.

7. It is obvious that the same causes, which suspend the employment of labour in the country, must also affect the welfare of those who live by small trades and manufactures. In this climate, the necessaries of life may almost be restricted to fire and food, and the purchase of its simple comforts and ornaments can easily be deferred or abandoned. The dearth and dearness of provisions would alone account for the depression of industry in the towns; but this local and transitory cause is, no doubt, aided by other general influences of a more permanent character. The hand-looms of Chicacole and Berhampore were, for the most part, idle, and the weavers subjected to unusual privations. The dearness of the raw material and competition from abroad are, however, powerful adversaries to native domestic fabrication, and this interest has been for years past in a languishing condition.

8. The remedial measures adopted by Government are adapted to the character and the wants of the suffering population.

9. The ryots have been detached from the other classes, and are dealt with, in some degree, apart. For their benefit, the Government has sanctioned,—(1), the refund of surplus collections; (2), remissions of assessment; (3), a distribution of seed grain; (4), a distribution of uncooked grain in the villages for food; (5), the improvement of certain small irrigation works; (6), employment on extraordinary public works.

I am not enabled to state what amount of revenue will be sacrificed, and what amount of expenditure will be incurred by these measures, which are still in progress, and all of which will not be brought to a close, even by the approaching harvest; for, in some localities, where the soil has remained unsown, the famine will leave a long arrear of distress. About 12,000 ryots, of whom 3,000 belong to the zemindary estates, are now receiving sustenance from the State, the Court of Wards, or the Relief Fund. The number will undoubtedly increase; but whatever amount may be eventually expended, there can be no question, even in a merely interested point of view, that the outlay is in fact a wise economy; for, if the people had perished, the revenue would have vanished with them.

10. The rural labourers and other miscellaneous paupers are supported,—(1), by distributions of cooked food; (2), by employment on public works.

Relief-houses have been established by the Collector or by the Zemindars at fourteen stations in the District. Of these, I had occasion to visit ten. They generally consist of an open space of ground enclosed by a slight fence. In this area, a cook-house is erected, and sometimes a large open shed to shelter the people from the rain. The recipients are seated in rows upon the ground, divided according to their castes, ages and sex. The food, consisting of cooked rice and raggy, is carried round in large pots, and is received in earthen dishes and on leaves. It is, for the most part, consumed on the spot. The Native Magistrates, the village authorities and the Police keep order. For the general multitude, the distribution takes place once a day. Some children and feeble persons are exceptionally treated, and receive two doles. Persons affected with small-pox and other contagious or disgusting diseases, are ranked apart. I trust that they will soon be all accommodated in hospital sheds. A more affecting spectacle than these receptacles of destitution, it would be difficult to conceive. The physiognomy of the famine was most painful at Ganjam, Rumbah, Calycota and Russelcondah. In places where relief had been longer organized, some amelioration in the physical condition of the poor was already apparent, and, going southwards, the most distressing features gradually faded away. At Chetterpore, there was some improvement. At Berhampore the change for the better was still more apparent. At Chicacole, the worst symptoms of actual famine had almost disappeared, and the relief-house was chiefly filled by the beggars of the town. The number of persons receiving food at the relief-houses varies from day to day with the accidents of the weather, and from other causes. It has

certainly reached 13,000. It may at present be set down at an average of 10,000. The munber will probably decrease as the season advances.

The extraordinary public works set on foot for the benefit of the starving people, comprise,—(1), the repair of roads; (2), the excavation of tanks; (3), the excavation of wells; (4), the formation or improvement of water channels; (5), the more important undertaking of the Chilka Lake Canal. It may be apprehended that a good deal of the labour employed, especially at the outset, has been directed to trifling or unprofitable purposes—and evil inseparable from such a crisis, when it is necessary to get the people to work, and place them in the receipt of wages, directly, so as to preserve their physical strength and their habits of exertion. The money will, however, not be entirely wasted, even in regard to minor works, and the Canal will prove an enterprise of durable usefulness. In these various undertakings, employment and sustenance may eventually be afforded to three thousand persons, many of whom will, however, be heads of families, so that the benefit will be felt among a greater number, while the amount of money circulated will be considerable.

11. For the particular benefit of the poorer classes in the towns, not much has been effected, for their necessities were the least pressing. Some wells have been sunk at Berhampore, both for the Native Troops and the citizens; and some tanks have been formed or enlarged. A small order has also been given to the weavers at the same place for cotton cloth, which it is hoped may be taken by the Commissariat Department.

12. For the benefit of all classes, it was urgently necessary to provide additional Medical Superintendents, a commensurate supply of medicines, and some simple hospital buildings, in which the dying might find a refuge, and the diseased have some chance of recovery. The Collector had already turned his attention to this subject before my arrival. I was accompanied by Acting Deputy Inspector General Porteous, and by Mr. Ross, an intelligent Apothecary. Dr. Porteous gave impulse and direction to the work. Six hospitals were set on foot. At Ganjam, one of the deserted habitations of the old mercantile body was secured. At Rumbah, the offices attached to a large house belonging to the Aska Sugar Company were converted to the same purpose. At Russelcondah, a temporary shed will shortly be replaced by the repair of an old building, formerly used by a local Militia Force. At Berhampore, Chetterpore and Aska, cheap structures have been erected, with bamboo supports, wattle walls plastered with mud, thatched roofs and clay floors. Provision has been made for the separation of the sexes, and of contagious disorders. These constructions are far from satisfactory; but time pressed, and means were limited. The patients will each have a bedstead, a mat, and a blanket; they will receive diet in some measure appropriate to their cases; and they will have some share of professional advice. The attendance and the treatment will certainly be imperfect; but the habits of the people are simple, their wants are few, and their maladies, as I am assured, are more susceptible of cure by rest, shelter and sufficient food, than by physic. The six hospitals will afford, if necessary, room for between four and five hundred patients. They have been built and furnished from an appropriation made by Government, and they are supported from the Charitable Relief Fund and from Government contributions. At Russelcondah, Berhampore and Chetterpore, the Medical Officers attached to those stations have afforded their gratuitous assistance. Mr. Ross is stationed at Rumbah. For Ganjam, a Dresser was procured from Waltair; and at Aska, a retired Apothecary, in the service of Mr. Minchin, has, by the kind permission of his representative, been retained with a small addition to his salary and pension.

13. Including every branch of remission, relief and expenditure depending on ascertained private charity, the Court of Wards, the Zeminders, and Government, I think I shall not be far from the mark, when I set down the calculable cost of the famine in Ganjam at about £40,000. The disbursements of native charity in a domestic and desultory form are of course unknown; nor can I form any estimate of the loss which the community has sustained by the failure of crops, the death of cattle at an earlier period, and the sacrifice of lives and labour power.

14. The number of persons of all classes receiving relief may be roughly stated at 25,000.

15. Up to the time of my departure from the country, about 1,600 persons were officially reported to have died of starvation. Many unknown wanderers have probably perished in the woods and byeways. The deaths from debility and disease caused by insufficient nourishment, have been numerous; but they will never be traced or recorded.

16. The causes of the scarcity in the Ganjam District have been, for the most part, beyond human control, though the recurrence of such a calamity might, in some degree, be mitigated by the intervention of Government, and prudence on the part of the people. For several years the rain-fall had been small, the crops had been short, and the exportations had been great. In this way, the reserves of food were consumed, and the people were brought to the verge of starvation.

How far the region most affected by the famine could be saved and supplied by irrigation works, it is difficult for me to judge. I believe that the uplands, on which the scarcity fell most heavily, cannot be brought under wet culture from any of the main, natural, intermittent water-courses which intersect the country. The local tanks for storing rain water are tolerably numerous already, but the rain-fall is partial and capricious. Many would, under any system, in a dry season, remain unfilled or imperfectly filled. More water might be procured by making more wells; but the people are poor, the construction of wells is costly; and this is not a branch of water supply undertaken by Government, though it is encouraged by considerate and liberal regulations. I presume that I am safe in affirming that in the hilly parts of Ganjam, the Government could afford some help by multiplying the receptacles for the rain-fall; but, do what it may, it never could wholly avert the dangers contingent on a dry season.

The people, on their part, may be reproached with some improvidence. They have been encouraged by the high price of the superior grains to plant wet crops, where dry crops would have been safer;

trusting to a rain-fall which never came. The wet crop failed altogether, where a dry one would have given a scanty yield. By planting the right crop on the right soil, by preferring moderate reliable returns to greater uncertain returns, the hazard of a serious and total failure would be diminished.

Nevertheless, all the assistance which Government could grant, and all the precautions which the cultivator could practice, will never suffice to preserve the dry soils of an Indian province from occasional barrenness caused by the failure of the rain-fall. This is a contingency beyond the reach of human foresight or control. Such a calamity is always impending in one locality or another, and there is reason to be grateful when it occurs on a limited area, and in an accessible situation. It is then the duty of Government to order timely and sufficient remedies for an evil which it cannot prevent.

17. I wish I could assert that the remedies ordered by Government were altogether timely and sufficient in the present instance. If they had been so, 1,600 persons would not have perished by hunger. I am bound to acknowledge that some portion of this death and suffering might have been hindered, if action had been taken on the earliest intimation of approaching scarcity. It may, however, be affirmed that the measures sanctioned by Government, whether we regard promptitude or efficiency, will bear comparison with the proceedings of authority in similar cases, in other times and at other places. Governments are slow believers in public calamity, and they entertain a justifiable reluctance to sanction the commencement of gratuitous relief—a measure of which no one can foretell the economical and moral consequences. If help was not afforded at an earlier period by the Madras Government, it was certainly not due to a want of benevolence, but from a want of conviction that the necessity was inevitable, and, in some degree, from a want of accurate detailed information. When the necessity did become indisputably apparent, the Government was not idle, and it was supported by the charity of Madras. There is no doubt something to regret, but there is more that may be regarded with satisfaction. We may profit by experience, and do better next time.

18. Before closing these remarks, it becomes my duty to record my gratitude to those who have co-operated, by their authority or their services, in meeting the present emergency.

To His Excellency the Viceroy our first thanks are due. The Supreme Government has acceded to all the requests and to all the measures of this Government, and by its prompt and liberal sanction of the Chilka Lake Canal, has conferred, not only a temporary, but a permanent benefit on the Presidency.

Mr. Gordon Forbes, the Collector of Ganjam, has been active and judicious in the suggestion and application of relief measures. He was offered the assistance of a Special Commissioner, but refused it, preferring to labour in person. When I renewed this proposal to him, observing that he was suffering from fever, and that he was burdened with other affairs, he again declined any extraneous aid, saying that he took too deep an interest in the work to delegate it to any other hands.

Of the gentlemen attached to the Collectorate, I am able to speak in favourable terms. Mr. Leman, Mr. Goodrich, and Mr. Grigg, with whom I was brought into personal contact, appeared to be impressed with a sense of their duty to the people, and performed it with kindness and intelligence.

In Captain Darrah, the Executive Engineer at Berhampore, Government possess an Officer who has done everything to familiarize himself with a new field of duty, and who manifests the closest application to business.

Lieutenant Lys, the Officer in Command of the Police, has placed his force at the disposal of the local authorities, for the protection and discipline of the relief establishments. Without this interposition, it would have been impossible to exercise the discrimination and control so necessary in those places. The men seemed to perform their duty with sufficient attention and forbearance. I have also to thank Mr. Lys for the arrangements he made for my personal convenience.

I was not much struck by any spontaneous zeal on the part of the English or East Indian Medical Officers in the District; but I think that their activity was eventually roused by the interest taken by others in the work. The example and advice of Dr. Porteous were beneficial. Mr. Rose, the Apothecary, installed at Rumbah, commenced his duties with commendable activity.

At Ganjam, Mr. Waters, the Superintendent of Customs, and Mr. Broom, the Superintendent of the Salt Pans, voluntarily assumed the direction of the Relief-house and of the Hospital, and dedicated their time and their best exertions to a task which was neither agreeable nor safe; for the worst extremities of hunger were there aggravated by the prevalence of small-pox and other maladies. They were zealously assisted by a native merchant or shop-keeper.

The Baptist Missionaries at Russelcondah and Berhampore have redeemed a considerable number of deserted children from death by want. The Roman Catholic Clergy at Berhampore and Suradah have exerted themselves in the same manner, and with the same success. Both these religious agencies have but very slender means at their disposal; they have received assistance from the Collector.

With the conduct of the Native Officials in the pay of Government, Mr. Forbes is generally satisfied. The Sheristadar at Chetterpore is very sensible and very willing in the prosecution of relief measures; and the Treasurer is distinguished for his personal devotion to the poor. At all the Stations which I visited, the Tehsildars and other local functionaries appeared to superintend the arrangements for relief with assiduity. At Rumbah alone, there had been a serious abuse of duty. The Native Officer entrusted with the management of the relief-house had diverted a portion of the grain to his own use. He is now under trial for this offence, with his son.

The Zemindar of Calycota supported for some time about 2,000 persons at his own charges at his country residence. The poor carried the contagion of small-pox into the house, and eight members of the Zemindar's family died of that disorder. He himself and his brother were dangerously ill. During

the funeral ceremonies and the period of mourning, the distribution of food was arrested, in conformity with certain usages or superstitions of the country. On my personal request, however, the Zemindar renewed the issue of cooked food to all comers, and thus diminished the pressure on the neighbouring Government establishments. He declined an offer of direct contribution on the part of Government, but accepted my proposal to furnish him, should his supply run short, with rice at the wholesale price paid by Government on the coast, the Government assuming the cost of transport. I thought it right to make this overture to the Zemindar, who pays a large rent to Government, whose charities have been most liberal, and who has contributed to the support and welfare of his dependents by digging a great tank at Calycota.

Finally I must not forget the charitable conduct of the soldiers of the 11th Regiment of Native Infantry, stationed at Berhampore, who, from their limited resources, found means to institute a distribution of food to their more unfortunate fellow-countrymen.

19. The Government will, no doubt, think it right to mark their sense of the services rendered by various persons in a becoming manner when the famine has run its course. In the mean time, I beg to suggest to the Council the following proceedings:—

1. To express to the Viceroy the grateful sense which this Government entertains of the generous co-operation which the Supreme Government has afforded us on this occasion.
2. To instruct the Collector of Ganjam to take the necessary measures to supply the Zemindar of Calycota with a sufficient quantity of rice, should he need it, at the wholesale price of Cocanada or Madras, in conformity with the engagements taken by me.
3. To direct Mr. Forbes to forward an estimate of the number of orphan children who will probably be left upon the hands of the local authorities in consequence of this famine, and to authorize him to enter into a negotiation with the Catholic and Baptist Missionaries for the future education and support of such destitute children, reporting to Government how many children those Missions are willing to take in charge, and what amount of compensation they will expect from Government, per head, for the lodging and maintenance of the orphans.

(Signed) NAPIER.

From E. C. BAYLEY, ESQ., *Secretary to the Government of India, Home Department, to* J. D. SIM, ESQ., *Secretary to the Government of Fort St. George,*—(*No.* 5793, *dated Simla, the* 25*th October* 1866.)

I AM directed to acknowledge the receipt of your letter No. 1016, dated the 5th instant, enclosing a Minute by His Excellency the Governor, recording the results of his recent visit to the afflicted parts of the Ganjam District, and to transmit for the information of the Madras Government a copy of a Despatch which the Governor General in Council has this day addressed to Her Majesty's Secretary of State.

Despatch to the Right Hon'ble the Secretary of State for India, No. 74, *dated Simla, the* 25*th October* 1866.

WE have the honor to transmit to you a copy of a communication* from the Secretary to the Government of Fort St. George, enclosing a Minute by His Excellency the Governor, dated the 1st ultimo, on the subject of his recent visit to the distressed parts of the Ganjam District.

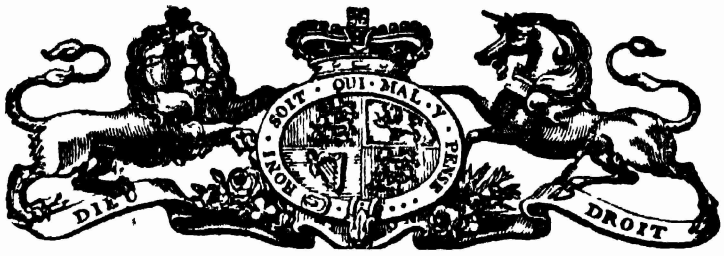
* No. 1016, dated 5th October.

2. We are sure that your Lordship will peruse this Minute with as much interest as we have. It gives an account of a visit which, as stated by His Excellency, "was prompted by the desire to show "sympathy and encouragement to those who were labouring or suffering, and to stimulate the appli-"cation of remedial measures which were already commenced or contemplated." These objects have, in our opinion, been most successfully attained; and we desire, with reference to the 17th paragraph of Lord Napier's Minute, to record our thanks to the Madras Government for the earnest, prompt, and effectual measures which that Government has taken for the relief and support of the afflicted population within its jurisdiction.

3. We shall communicate a copy of this Despatch to the Madras Government.

Printed and Published for the Government of India by J. L. KINGHAM, *at the Government Press, Simla.*

No. 44.



The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, NOVEMBER 3, 1866.

Home Department.

LEGISLATIVE.

Simla, the 26th September 1866.

The following Bill and Statement of Objects and Reasons accompanying it, are published for general information by order of His Excellency the Governor General, under the 19th of the Rules for the Conduct of Business at Meetings of the Council of the Governor General of India for the purposes of making Laws and Regulations :—

A Bill to extend the Indian Succession Act, 1865, *to the Straits Settlement.*

Preamble.

WHEREAS it is expedient to extend with certain modifications the Indian Succession Act, 1865, to the Settlement of Prince of Wales' Island, Singapore and Malacca; It is hereby enacted as follows :—

Repeal of Act XX of 1837, Section 1.

Indian Succession Act to apply to Straits Settlement from 1st February 1867.

1. From and after the first day of February 1867, the first Section of Act No. XX of 1837 shall be repealed; and the provisions of the Indian Succession Act, 1865, shall, with the modifications hereinafter mentioned, apply to and be in force throughout the said Settlement, as if the words "other than the Settlement of Prince of Wales' Island, Singapore and Malacca," had been omitted in the definition of British India contained in Section 3 of the same Act, and as if Part XXXI and Sections 330 and 331 of such Act had also been omitted.

Jurisdiction of Supreme Court in granting and revoking probates and letters of administration.

2. The Supreme Court of the said Settlement shall have jurisdiction in granting and revoking probates and letters of administration in all cases within the said Settlement, and the procedure in the exercise of such jurisdiction shall be regulated by the provisions relating to intestate and testamentary jurisdiction contained in Her Majesty's Letters Patent now applying to the said Court, and by such rules (if any) supplementary thereto, as may from time to time be made by such Court consistently with the provisions of the Indian Succession Act, 1865. The said Court is hereby empowered to make such rules, and from time to time to vary and add to the same.

Adopted sons to be deemed legitimate children of adoptive fathers.

3. The adopted son of any person in the said Settlement, whose personal law permits the adoption of a son, shall, for the purposes of intestate and testamentary succession, be considered as a legitimate child of his adoptive and not of his natural father.

Will not be revoked by polygamist's marriage.

4. In the case of any person in the said Settlement, whose marriage-law permits a plurality of wives, his will shall not be revoked by his marriage, anything contained in the said Act to the contrary notwithstanding.

Provision for case of plurality of widows.

In the case of any such person who dies intestate leaving two or more widows, the property which under the terms of the Indian Succession Act, 1865, Sections 26 and 27, would belong to his widow if he had left only one widow, shall belong to his widows in equal shares; and letters of administration of his estate shall, unless the Court see cause to exclude the widows either on the ground of some personal disqualification, such as minority, incontinence, adultery or lunacy, or because they have no interest in the estate of the deceased, be granted to all his widows jointly, or to such one of them as the Court shall think fit; and the Judge may associate with the widows or widow in the administration, any person or persons who would be entitled solely thereto if there were no widow.

Provisions of Succession Act not to apply in the Straits to wills or intestacies before 1st February 1867.

Section 4 of Succession Act not to apply to marriages before 1st February 1867.

5. The provisions of the Indian Succession Act, 1865, shall not, in the said Settlement, apply to any will made or any intestacy occurring before the said first day of February 1867. Nor shall the fourth Section of the same Act apply, in the said Settlement, to any marriage contracted before the same day.

Two Rupees to be equivalent to one Dollar

6. In construing the Indian Succession Act, 1865, two Rupees shall be deemed equivalent to a Dollar.

This Act to be read with Indian Succession Act.

7. This Act shall be read with and taken as part of the Indian Succession Act, 1865.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to extend the Indian Succession Act, 1865, to the Straits Settlement. It was prepared at the suggestion of the Local Government, who, in reply to the Circular dated the 22nd August 1865, and printed in the *Gazette* of the 18th November 1865, expressed an opinion that the whole Act might with advantage be made the *lex loci* and brought into operation without any distinction as to race or creed. It may be remarked that, since the first of February 1839, the Indian Wills Act (No. XXV of 1838) has applied to all classes of the inhabitants of the Settlement—Malays, Hindús, Chinese, as well as English—and has, according to the Local Government, been found to work well.

As the Succession Act, if thus extended, will affect certain classes whose law of persons allows adoption, the Bill declares that, for the purposes of succession, an adopted son shall be considered a legitimate child of his adoptive father. In the case of any person whose marriage-law permits a plurality of wives, his marriage is not to revoke his will. Provision has also been made for the case of a polygamist dying intestate and leaving several widows.

As the Code of Civil Procedure is not in force in the Straits, and as there are no District Judges in that Settlement, it has been necessary to omit Part XXXI of the Succession Act.

The non-existence of the office of Administrator General in the Straits has rendered it necessary to omit Section 330 of the Act.

Act XX of 1837, Section 1, which the present Bill proposes to repeal, enacts that immoveable property in the Straits Settlement shall, for the purposes of intestate and testamentary succession, be regarded as of the nature of chattels real and not of freehold.

H. S. MAINE.

SIMLA,
The 10th July 1866.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 24th October 1866, and is hereby promulgated for general information:—

ACT No. XXVII OF 1866.

To consolidate and amend the Law relating to the conveyance and transfer of property in British India vested in Mortgagees and Trustees, in cases to which English Law is applicable.

Preamble.

WHEREAS it is expedient to consolidate and amend the laws relating to the conveyance and transfer of moveable and immoveable property in British India vested in Mortgagees and Trustees, in cases to which English law is applicable; It is hereby enacted as follows:—

Act repealed.

1. Section 3 of Act XXIV of 1841 *(for the greater uniformity of the Law administered by Her Majesty's Supreme Courts with that administered in England, in regard to the undisposed residue of the effects of Testators; Illusory Appointments; the transfer of Estates by persons under disabilities pursuant to the direction of Courts, and the better management of the property of such persons, and other like matters)*, and so much of Act XIV of 1852 *(for extending the provisions of Acts XXIV of* 1841 *and XVII of* 1843 *to the Straits Settlement)*, as extends the provisions of the said Section to the Settlement of Prince of Wales' Island, Singapore and Malacca, are hereby repealed: Provided that all proceedings under the said Section or Act commenced before this Act comes into operation, may be proceeded with under the said Section or Act or according to the provisions of this Act, as shall be thought expedient by the person by whom they were commenced.

Interpretation.

2. In this Act, unless there be something repugnant in the subject or context—

"Immoveable property."

"Immoveable property" shall extend to and include messuages, tenements, and hereditaments, corporeal and incorporeal, of every tenure or description, whatever may be the estate or interest therein:

"Stock."

"Stock" shall mean any fund, annuity or security transferable in books kept by any company or society established or to be established, or transferable by deed alone, or by deed accompanied by other formalities, and any share or interest therein. It shall also include shares in ships registered under the Merchant Shipping Act, 1854, or at any port in British India:

"Hold" and "holding."

"Hold" and "holding" shall be applicable to any vested estate, whether for life or of a greater or less description, in possession, futurity or expectancy, in any immoveable property:

"Contingent right."

"Contingent right" as applied to immoveable property shall mean a contingent or executory interest, or possibility coupled with an interest, whether the object of the gift or limitation of such interest or possibility be or be not ascertained; also a right of entry, whether immediate or future, and whether vested or contingent:

"Convey." "Conveyance."

"Convey" and "Conveyance" applied to any person, shall mean the execution by such person of every necessary or suitable assurance for conveying or disposing to another immoveable property which such person holds, or in which he is entitled to a contingent right either for the whole estate of the person conveying or disposing, or for any less estate, together with the performance of all formalities required by law to the validity of such conveyance, including the acts to be performed by married women and tenants in tail in accordance with the provisions of Act XXXI of 1854 *(to abolish real actions and also fines and common recoveries, and to simplify the modes of conveying land in cases to which the English Law is applicable)*;

"Transfer."

"Transfer" shall mean the execution and performance of every deed and act by which a person entitled to stock or Government securities can transfer such

stock or Government securities from himself to another:

"High Court." "High Court" shall mean every Court now or hereafter established under the Statute 24 and 25 Vic., Cap. 104, and also the Chief Court of the Punjab, or such one or more Judges of the said Courts respectively as shall be appointed by the Chief Justice or the Senior Judge, as the case may be, to entertain applications and make orders under this Act:

"Trust." "Trustee." "Trust" shall not mean the duties incident to an estate conveyed by way of mortgage; but with this exception, the words "Trust" and "Trustee" shall extend to and include implied and constructive trusts, and shall extend to and include cases where the Trustee has some beneficial estate or interest in the subject of the trust, and shall extend to and include the duties incident to the office of executor or administrator of a deceased person:

"Lunatic." "Lunatic" shall mean any person who shall have been found by due course of law to be of unsound mind and incapable of managing his affairs:

"Person of unsound mind." "Person of unsound mind" shall mean any person not a minor who, not having been found to be a lunatic, shall be incapable from infirmity of mind to manage his own affairs:

"Heir" and "Devisee." In the case of a will made or an intestacy occurring before the first day of January 1866, "Heir" shall mean the person claiming an interest in the immoveable property of a deceased person under the laws concerning descent applicable to such property: and "Devisee" shall, in addition to its ordinary signification, mean the heir of a devisee and the devisee of an heir, and generally any person claiming an interest in the immoveable property of a deceased person, not as heir of such deceased person, but by a title dependent solely upon the operation of the laws concerning devise and descent

In the case of a will made or an intestacy occurring on or after the first day of January 1866, "Heir" shall mean any person claiming an interest in the immoveable property of a deceased person under the rules for the distribution of an intestate's estate; and "Devisee" shall mean any person taking immoveable property under a bequest, and any person, other than an executor or administrator, claiming an interest in immoveable property, not as entitled thereto, under the said rules, but by a title dependent solely upon the operation of the laws concerning intestate and testamentary succession:

"Mortgage." "Mortgage" shall be applicable to every estate or interest in immoveable or moveable property which would in the High Court be deemed merely a security for money:

"Person." "Person" shall include any company or association, or body of persons whether incorporated or not:

Number. Words importing the singular number only shall extend to several persons or things; words importing the plural number shall apply to one person or thing;

Gender. words importing the masculine gender shall extend to a female.

The High Court to have jurisdiction in what cases. **3.** The powers and authorities given by this Act to the High Courts shall and may be exercised only in cases to which English law is applicable, and may be exercised with respect to property within the local limits of the extraordinary original civil jurisdiction of the said Courts respectively.

High Court may convey estates of lunatic Trustees and Mortgagees; **4.** When any lunatic or person of unsound mind shall hold any immoveable property upon any trust or by way of mortgage, it shall be lawful for the High Court to make an order that such property be vested in such person or persons in such manner and for such estate as the said Court shall direct; and the order shall have the same effect as if the Trustee or Mortgagee had been sane, and had duly executed a conveyance of the property in the same manner for the same estate.

and may convey contingent rights. **5.** When any lunatic or person of unsound mind shall be entitled to any contingent right in any immoveable property upon any trust or by way of mortgage, it shall be lawful for the High Court to make an order wholly releasing such property from such contingent right, or disposing of the same to such person or persons as the said High Court shall direct; and the order shall have the same effect as if the Trustee or Mortgagee had been sane, and had duly executed a deed so releasing or disposing of the contingent right.

High Court may transfer stock or Government securities of lunatic Trustees and Mortgagees. **6.** When any lunatic or person of unsound mind shall be solely entitled to any stock or Government securities, or to any thing in action upon any trust or by way of mortgage, it shall be lawful for the High Court to make an order vesting in any person or persons the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for and recover such thing in action, or any interest in respect thereof: and when any person or persons shall be entitled jointly with any lunatic or person of unsound mind to any stock or Government securities or thing in action upon any trust or by way of mortgage, it shall be lawful for the said Court to make an order vesting the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for and recover such thing in action or any interest in respect thereof, either in such person or persons so jointly entitled as aforesaid, or in such last-mentioned person or persons together with any other person or persons the said High Court may appoint.

Power to transfer stock or Government securities of deceased persons. **7.** When any stock or Government securities shall be standing in the name of any deceased person whose executor or administrator is a lunatic or person of unsound mind, or when any thing in action shall be vested in any lunatic or person of unsound mind as the executor or administrator of a deceased person, it shall be lawful for the High Court to make an order vesting the right to transfer such stock or Government securities, or to receive the divi-

dends, interest or income thereof, or to sue for and recover such thing in action or any interest in respect thereof, in any person or persons the said Court may appoint.

High Court may convey estates of minor Trustees and Mortgagees.

8. Where any minor shall hold any immoveable property upon any trust or by way of mortgage, it shall be lawful for the High Court to make an order vesting such property in such person or persons in such manner and for such estate as the said Court shall direct: and the order shall have the same effect as if the minor Trustee or Mortgagee had attained his majority, and had duly executed a conveyance of the property in the same manner for the same estate.

Contingent rights of minor Trustees and Mortgagees.

9. Where any minor shall be entitled to any contingent right in any immoveable property upon any trust or by way of mortgage, it shall be lawful for the High Court to make an order wholly releasing such property from such contingent right, or disposing of the same to such person or persons as the said Court shall direct; and the order shall have the same effect as if the minor had attained his majority, and had duly executed a deed so releasing or disposing of the contingent right.

High Court may convey the estate of a Trustee out of the jurisdiction of the Court.

10. When any person solely holding any immoveable property upon any trust shall be out of the jurisdiction of the High Court, or cannot be found, it shall be lawful for the said Court to make an order vesting such property in such person or persons in such manner and for such estate as the said Court shall direct, and the order shall have the same effect as if the Trustee had duly executed a conveyance of the property in the same manner and for the same estate.

High Court may make order in cases where persons hold immoveable property in trust jointly with persons out of jurisdiction of Court, &c.

11. When any person or persons shall hold any immoveable property in trust jointly with a person not within the jurisdiction of the High Court, or who cannot be found, it shall be lawful for the said Court to make an order vesting the property in the person or persons so jointly holding or in such last-mentioned person or persons, together with any other person or persons in such manner and for such estate as the said Court shall direct; and the order shall have the same effect as if the Trustee out of the jurisdiction, or who cannot be found, had duly executed a conveyance of the property in the same manner for the same estate.

Contingent rights of Trustees.

12. When any person solely entitled to a contingent right in any immoveable property upon any trust shall be out of the jurisdiction of the High Court, or cannot be found, it shall be lawful for the said Court to make an order wholly releasing such property from such contingent right, or disposing of the same to such person or persons as the said Court shall direct; and the order shall have the same effect as if the Trustee had duly executed a conveyance so releasing or disposing of the contingent right.

High Court may make order in cases where persons are jointly entitled with others out of the jurisdiction of the Court to a contingent right in immoveable property.

13. When any person jointly entitled with any other person or persons to a contingent right in any immoveable property upon any trust shall be out of the jurisdiction of the Hight Court, or cannot be found, it shall be lawful for the said Court to make an order disposing of the contingent right of the person out of the jurisdiction, or who cannot be found, to the person or persons so jointly entitled as aforesaid or to such last-mentioned person or persons, together with any other person or persons; and the order shall have the same effect as if the Trustee out of the jurisdiction, or who cannot be found, had duly executed a conveyance so releasing or disposing of the contingent right.

When it is uncertain which of several Trustees was the survivor.

14. Where there shall have been two or more persons jointly holding any immoveable property upon any trust, and it shall be uncertain which of such Trustees was the survivor, it shall be lawful for the High Court to make an order vesting such property in such person or persons, in such manner and for such estate as the said Court shall direct; and the order shall have the same effect as if the survivor of such Trustees had duly executed a conveyance of the property in the same manner for the same estate.

When it is uncertain whether the last Trustee be living or dead.

15. Where any one or more person or persons shall have held any immoveable property upon any trust, and it shall not be known, as to the Trustee last known to have held such property, whether he be living or dead, it shall be lawful for the High Court to make an order vesting such property in such person or persons in such manner and for such estate as the said Court shall direct; and the order shall have the same effect as if the last Trustee had duly executed a conveyance of the property in the same manner for the same estate.

When Trustee dies without an heir.

16. When any person holding any immoveable property upon any trust shall have died intestate as to such property without an heir, or shall have died, and it shall not be known who is his heir or devisee, it shall be lawful for the High Court to make an order vesting such property in such person or persons in such manner and for such estate as the said Court shall direct; and the order shall have the same effect as if the heir or devisee of such Trustee had duly executed a conveyance of the property in the same manner for the same estate.

Contingent right of unborn Trustee.

17. When any immoveable property is subject to a contingent right in an unborn person, or class of unborn persons who, upon coming into existence, would in respect thereof hold such property upon any trust, it shall be lawful for the High Court to make an order which shall wholly release and discharge such property from such contingent right in such unborn person or class of unborn persons, or to make an order which shall vest in any person or persons the estate or estates which such unborn person or class of unborn persons would, upon coming into existence, hold in such property.

Power to make an order for vesting the estate on refusal or neglect of a Trustee to convey or release.

18. In every case where any person holds or shall hold jointly or solely any immoveable property, or is or shall be entitled to a contingent right therein upon any trust, and a demand shall have been made upon such Trustee by a person entitled to require a conveyance of such property, or a duly authorized agent of such last-mentioned person, requiring such Trustee to convey the same, or to release such contingent right, it shall be lawful for the High Court, if the said Court shall be satisfied that such Trustee has wilfully refused or neglected to convey the said property for the space of twenty-eight days after such demand, to make an order vesting such property in such person or persons, in such manner and for such estate as the Court shall direct, or releasing such contingent right in such manner as the Court shall direct; and the said order shall have the same effect as if the Trustee had duly executed a conveyance of the property, or a release of such right, in the same manner and for the same estate.

Power to convey in place of Mortgagee.

19. When any person to whom any immoveable property has been conveyed by way of mortgage, shall have died without having entered into the possession or into the receipt of the rents and profits thereof, and the money due in respect of such mortgage shall have been paid to a person entitled to receive the same, or such last-mentioned person shall consent to an order for the re-conveyance or vesting of such property, then in any of the following cases, it shall be lawful for the High Court to make an order vesting such property in such person or persons in such manner and for such estate as the said Court shall direct, that is to say,—

When an heir or devisee of such Mortgagee shall be out of the jurisdiction of the High Court, or cannot be found:

When an heir or devisee of such Mortgagee shall, upon a demand by a person entitled to require a conveyance of such property, or a duly authorized agent of such last-mentioned person, have stated in writing that he will not convey the same, or shall not convey the same for the space of twenty-eight days next after a proper deed for conveying such property shall have been tendered to him by a person entitled as aforesaid, or a duly authorized agent of such last-mentioned person:

When it shall be uncertain which of several devisees of such Mortgagee was the survivor:

When it shall be uncertain as to the survivor of several devisees of such Mortgagee, or as to the heir of such Mortgagee whether he be living or dead:

When such Mortgagee shall have died intestate as to such property and without an heir, or shall have died, and it shall not be known who is his heir or devisee:

And the order of the said High Court made in any one of the foregoing cases, shall have the same effect as if the heir or devisee, or surviving devisee, as the case may be, had duly executed a conveyance of the property in the same manner and for the same estate.

Power to appoint a person to convey in certain cases.

20. In every case where the High Court shall, under the provisions of this Act, be enabled to make an order having the effect of a conveyance of any immoveable property, or having the effect of a release or disposition of the contingent right of any person or persons, born or unborn, it shall also be lawful for the High Court, should it be deemed more convenient, to make an order appointing a person to convey such property or release or dispose of such contingent right; and the conveyance, or release or disposition of the person so appointed, shall, when in conformity with the terms of the order by which he is appointed, have the same effect, in conveying the property, or releasing or disposing of the contingent right, as an order of the High Court would in the particular case have had under the provisions of this Act. In every case where the High Court shall, under the provisions of this Act, be enabled to make an order vesting in any person or persons the right to transfer any stock transferable in the books of any company or society established or to be established, it shall also be lawful for the High Court, if it be deemed more convenient, to make an order directing the secretary or any officer of such company or society at once to transfer or join in transferring the stock to the person or persons to be named in the order; and this Act shall be a full and complete indemnity and discharge to all companies or societies and their officers and servants for all acts done or permitted to be done pursuant thereto.

When Trustees of stock or Government securities out of the jurisdiction.

21. When any person or persons shall be jointly entitled with any person out of the jurisdiction of the High Court, or who cannot be found, or concerning whom it shall be uncertain whether he be living or dead, to any stock or Government securities or thing in action upon any trust, it shall be lawful for the said Court to make an order vesting the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for or recover such thing in action or any interest in respect thereof, either in such person or persons so jointly entitled as aforesaid, or in such last-mentioned person or persons, together with any person or persons the said Court may appoint. When any sole Trustee of any stock, Government securities, or thing in action shall be out of the jurisdiction of the said Court, or cannot be found, or it shall be uncertain whether he be living or dead, it shall be lawful for the said Court to make an order vesting the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for and recover such thing in action, or any interest in respect thereof, in any person or persons the said Court may appoint.

When Trustee of stock, &c., refuses to transfer.

22. Where any sole Trustee of any stock, Government securities, or thing in action, shall neglect or refuse to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for or recover such thing in action, or any interest in respect thereof, according to the direction of the person absolutely entitled thereto, for the space of twenty-eight days next after a request in writing for that purpose shall have been

made to him by the person absolutely entitled thereto, it shall be lawful for the High Court to make an order vesting the sole right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for and recover such thing in action, or any interest in respect thereof, in such person or persons as the said Court may appoint.

When one of several Trustees of stock, &c., refuses to transfer or receive and pay over dividends.

23. Where any one of the Trustees of any stock, Government securities, or thing in action, shall neglect or refuse to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for or recover such thing in action according to the direction of the person absolutely entitled thereto, for the space of twenty-eight days next after a request in writing for that purpose shall have been made to him by such person, it shall be lawful for the High Court to make an order vesting the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for and recover such thing in action, in the other Trustee or Trustees of the said stock, Government securities or thing in action, or in any person or persons who in the said Court may appoint jointly with such other Trustee or Trustees.

When stock, &c., is standing in the name of a deceased person.

24. When any stock or Government securities shall be standing in the sole name of a deceased person, and his executor or administrator shall be out of the jurisdiction of the High Court, or cannot be found, or it shall be uncertain whether such executor or administrator be living or dead, or such executor or administrator shall neglect or refuse to transfer such stock or Government securities, or receive the dividends, interest or income thereof, according to the direction of the person absolutely entitled thereto, for the space of twenty-eight days next after a request in writing for that purpose shall have been made to him by the person entitled as aforesaid, it shall be lawful for the said Court to make an order vesting the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, in any person or persons whom the said Court may appoint.

Effect of an order vesting the legal right to transfer stock, &c.

25. Where any order shall have been made under this Act vesting the right to any stock or Government securities in any person or persons appointed by the High Court, such legal right shall vest accordingly, and thereupon the person or persons so appointed are hereby authorized and empowered to execute all deeds and powers of attorney, and to perform all acts relating to the transfer of such stock and Government securities into his or their own name or names or otherwise, or relating to the receipt of the dividends, interest or income thereof, to the extent and in conformity with the terms of such order. All companies and associations whatever, and all persons, shall be equally bound and compellable to comply with the requisitions of such person or persons so appointed as aforesaid to the extent and in conformity with the terms of such order as such companies, associations, or persons would have been bound and compellable to comply with the requisitions of the person in whose place such appointment shall have been made, and shall be equally indemnified in complying with the requisition of such person or persons so appointed as they would have been indemnified in complying with the requisition of the person in whose place such appointment shall have been made. After notice in writing of any such order of the High Court concerning any stock or Government securities shall have been given, it shall not be lawful for any company or association, or any person having received such notice, to act upon the requisition of the person in whose place an appointment shall have been made, in any matter relating to the transfer of such stock or Government securities, or the payment of the dividends, interest or income thereof.

Effect of an order vesting legal right in a thing in action.

26. Where any order shall have been made under this Act by the High Court vesting the legal right to sue for or recover anything in action or any interest in respect thereof in any person or persons, such legal right shall vest accordingly; and thereupon it shall be lawful for the person or persons so appointed to carry on, commence and prosecute, in his or their own name or names, any suit or other proceeding for the recovery of such thing in action, in the same manner in all respects as the person in whose place an appointment shall have been made could have sued for or recovered such thing in action.

On neglect to transfer stock, &c., for twenty-eight days, order may be made vesting right to transfer in such person as the Court shall appoint.

27. Where any person shall neglect or refuse to transfer any stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for or recover any thing in action, or any interest in respect thereof, for the space of twenty-eight days next after an order of the High Court for that purpose shall have been served upon him, it shall be lawful for the said Court to make an order vesting all the right of such person to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for and recover such thing in action, or any interest in respect thereof, in such person or persons as the said Court may appoint.

On like neglect by executor, similar order may be made.

28. When any stock or Government securities shall be standing in the sole name of a deceased person, and his executor or administrator shall refuse or neglect to transfer such stock or Government securities, or receive the dividends, interest or income thereof for the space of twenty-eight days next after an order of the High Court for that purpose shall have been served upon him, it shall be lawful for the said Court to make an order vesting the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, in any person or persons whom the said Court may appoint.

Companies and associations to comply with such orders.

29. When any order being or purporting to be under this Act, shall be made by the High Court, vesting the right to any stock or Government securities, or vest-

ing the right to transfer any stock or Government securities, or vesting the right to call for the transfer of any stock or Government securities in any person or persons, in every such case the legal right to transfer such stock or Government securities shall vest accordingly; and the person or persons so appointed shall be authorized and empowered to execute all deeds and powers of attorney, and to perform all acts relating to the transfer of such stock or Government securities into his or their own name or names or otherwise, to the extent and in conformity with the terms of the order. All companies and associations, and all persons, shall be equally bound and compellable to comply with the requisitions of such person or persons so appointed as aforesaid, to the extent and in conformity with the terms of such order, as such companies, associations or persons would have been bound and compellable to comply with the requisitions of the person in whose place such appointment shall have been made.

Power to make an order for the transfer or receipt of dividends of stock, &c., in name of a minor Trustee.

30. When any minor shall be solely entitled to any stock or Government securities upon any trust, it shall be lawful for the High Court to make an order vesting in any person or persons the right to transfer such stock or Government securities or to to receive the dividends, interest or income thereof. When any minor shall be entitled jointly with any other person or persons to any stock or Government securities upon any trust, it shall be lawful for the said Court to make an order vesting the right to transfer such stock or Government securities or to receive the dividends, interest or income thereof, either in the person or persons jointly entitled with the minor, or in him or them together with any other person or persons the said Court may appoint.

When a decree is made for sale of immoveable property for payment of debts.

31. When a decree or order shall have been made by the High Court directing the sale of any immoveable property for the payment of the debts of a deceased person, every person holding such property, or entitled to a contingent right therein, as heir, or under the will of such deceased debtor, shall be deemed so to hold or be entitled (as the case may be) upon a trust within the meaning of this Act: and the High Court is hereby empowered to make an order wholly discharging the contingent right under the will of such deceased debtor of any unborn person.

High Court may make an order for vesting the estate in lieu of conveyance by a party to the suit after a decree or order for sale.

32. When any decree or order shall have been made by the High Court, whether before or after the passing of this Act, directing the sale of any immoveable property for any purpose whatever, every person holding such property, or entitled to a contingent right therein, being a party to the suit or proceeding in which such decree or order shall have been made and bound thereby, or being otherwise bound by such decree or order, shall be deemed so to hold or be entitled (as the case may be) upon a trust within the meaning of this Act. In every such case it shall be lawful for the High Court, if the said Court shall think it expedient for the purpose of carrying such sale into effect, to make an order vesting such property or any part thereof, for such estate as the Court shall think fit, either in any purchaser or in such other person as the Court shall direct. Every such order shall have the same effect as if the person so holding or entitled had been free from all disability, and had duly executed all proper conveyances and assignments of such property for such estate.

Court to declare what parties are Trustees of immoveable property comprised in any suit, and as to the interests of persons unborn.

33. Where any decree or order shall be made by the High Court for the specific performance of a contract concerning any immoveable property, or for the partition or exchange of any immoveable property, or generally when any decree shall be made for the conveyance of any immoveable property, either in cases arising out of the doctrine of election or otherwise, it shall be lawful for the said Court to declare that any of the parties to the said suit wherein such decree is made are trustees of such property or any part thereof, within the meaning of this Act, or to declare concerning the interests of unborn persons who might claim under any party to the said suit, or under the will or voluntary settlement of any person deceased who was during his life-time a party to the contract or transactions concerning which such decree is made that such interests of unborn persons are the interests of persons who, upon coming into existence, would be Trustees within the meaning of this Act. Thereupon it shall be lawful for the High Court to make such order or orders as to the estates, rights and interests of such persons, born or unborn, as the said Court might, under the provisions of this Act, make concerning the estates, rights and interests of Trustees born or unborn.

Power to make directions how the right to transfer stock shall be exercised.

34. It shall be lawful for the High Court to make declarations and give directions concerning the manner in which the right to any stock, Government securities or thing in action vested under the provisions of this Act shall be exercised, and thereupon the person or persons in whom such right shall be vested shall be compellable to obey such directions and declarations by the same process as that by which other orders under this Act are enforced.

Power to Court to make order appointing new Trustees.

35. In all cases in which it shall be expedient to appoint a new Trustee or new Trustees, and it shall be found inexpedient, difficult or impracticable so to do without the assistance of the High Court, it shall be lawful for the said Court to make an order appointing a new Trustee or new Trustees whether there be any existing Trustee or Trustees or not at the time of making such order, and if there be such Trustee or Trustees either in substitution for or in addition to him or them. The person or persons who, upon the making of such order shall be Trustee or Trustees, shall have the same rights and powers as he or they would have had if appointed by decree in a suit duly instituted.

New Trustees to have powers of Trustees appointed by decree in suit.

36. It shall be lawful for the High Court, upon making any order for appointing a new Trustee or new Trustees, either by the same or by any subsequent order, to direct that any immoveable property subject to the trust shall vest in the person or persons who upon the appointment shall be the Trustee or Trustees for such estate as the Court shall direct. Such order shall have the same effect as if the person or persons who, before such order, was or were the Trustee or Trustees (if any) had duly executed all proper conveyances of such property for such estate.

Power to Court to vest immoveable property in new Trustee.

37. It shall be lawful for the High Court, upon making any order for appointing a new Trustee or new Trustees, either by the same or by any subsequent order, to vest the right to call for a transfer of any stock or Government securities subject to the trust, or to receive the dividends, interest or income thereof, or to sue for or recover any thing in action, subject to the trust or any interest in respect thereof, in the person or persons who upon the appointment shall be the Trustee or Trustees.

Power to Court to vest right to sue in new Trustees.

38. Any such appointment by the High Court of new Trustees, and any such conveyance or transfer as aforesaid, shall operate no further or otherwise as a discharge to any former or continuing Trustee, than an appointment of new Trustees under any power for that purpose contained in any instrument would have done.

Old Trustees not to be discharged from liability.

39. An order under any of the hereinbefore contained provisions, for the appointment of a new Trustee or new Trustees, or concerning any immoveable property, stock, or Government securities, or thing in action subject to a trust, may be made upon the application of any person beneficially interested in such immoveable property, stock, Government securities, or thing in action, whether under disability or not, or upon the application of any person duly appointed as a Trustee thereof; and an order under any of the provisions hereinbefore contained concerning any immoveable property, stock, Government securities, or thing in action subject to a mortgage, may be made on the application of any person beneficially interested in the equity of redemption, whether under disability or not, or of any person interested in the monies secured by such mortgage.

Who may apply.

40. When any person shall deem himself entitled to an order under any of the provisions hereinbefore contained, it shall be lawful for him to present a petition to the High Court for such order as he may deem himself entitled to, and he may give evidence by affidavit or otherwise in support of such petition before the said Court, and may serve such person or persons with notice of such petition as he may deem entitled to service thereof.

Application may be by petition.

41. Upon the hearing of any such petition it shall be lawful for the said High Court, should it be deemed necessary, to direct a reference to one of the Judges of the Court to inquire into any facts which requir such an investigation, or it shall be lawful for the said Court to direct such petition to stand over, to enable the petitioner to adduce evidence or further evidence before the Court, or to enable notice or any further notice of such petition to be served upon any person or persons.

What may be done upon petition.

42. Upon the hearing of any such petition, it shall be lawful for the High Court to dismiss such petition with or without costs, or to make an order thereupon in conformity with the provisions of this Act.

Court may dismiss petition with or without costs.

43. Whensoever in any cause or matter, either by the evidence adduced therein, or by the admissions of the parties, or by report of one of the Judges of the Court, the facts necessary for an order under this Act shall appear to the High Court to be sufficiently proved, it shall be lawful for the said Court, either upon the hearing of the said cause or of any petition or application in the said cause or matter, to make such order under this Act.

Power to make an order in a cause.

44. Whenever any order shall be made under this Act by the High Court, for the purpose of conveying any immoveable property, or for the purpose of releasing or disposing of any contingent right, and such order shall be founded on an allegation of the personal incapacity of a Trustee or Mortgagee or on an allegation that a Trustee or the heir or devisee of a Mortgagee is out of the jurisdiction of the High Court or cannot be found, or that it is uncertain which of several Trustees, or which of several devisees of a Mortgagee, was the survivor, or whether the last Trustee, or the heir, or last surviving devisee of a Mortgagee, be living or dead, or on an allegation that any Trustee or Mortgagee has died intestate without an heir or has died, and it is not known who is his heir or devisee then in any of such cases the fact that the High Court has made an order upon such an allegation, shall be conclusive evidence of the matter so alleged in any Court of Civil Judicature upon any question as to the legal validity of the order: Provided always that nothing herein contained shall prevent the High Court directing a re-conveyance of any immoveable property conveyed or assigned by any order under this Act, or a re-disposition of any contingent right conveyed or disposed of by such order; and it shall be lawful for the said Court to direct any of the parties to any suit concerning such property or contingent right, to pay any costs occasioned by the order under this Act, when the same shall appear to have been improperly obtained.

Orders made by the High Court founded on certain allegations to be conclusive evidence of the matter contained in such allegations.

45. It shall be lawful for the High Court to exercise the powers herein conferred for the purpose of vesting any immoveable property, stock, Government securities, or thing in action in the Trustee or Trustees of any charity or society over which charity or society the High Court would have jurisdiction upon suit duly instituted, whether such Trustee or Trustees shall have been duly appointed by any power contained in any deed or instrument, or by

Trustees of charity.

the decree of the said Court, or by order made upon a petition to the said Court.

Money of minors and persons of unsound mind to be paid into Court.

46. Where any minor or person of unsound mind shall be entitled to any money payable in discharge of any immoveable property, stock, Government securities, or thing in action conveyed or transferred under this Act, it shall be lawful for the person by whom such mony is payable to pay the same into the High Court in trust in any cause then depending concerning such money, or if there shall be no such cause, to the credit of such minor or person of unsound mind, subject to the order or disposition of the said Court; and it shall be lawful for the said Court, upon petition in a summary way, to order any money so paid to be invested in Government securities, and to order payment or distribution thereof, or payment of the dividends or interest thereof, as to the said Court shall seem reasonable.

Court may make a decree in the absence of a Trustee.

47. Where in any suit commenced or to be commenced in the High Court it shall be made to appear to the Court that diligent search and enquiry have been made after any person made a defendant, who is only a Trustee, to serve him with the process of the Court, and that he cannot be found, it shall be lawful for the said Court to hear and determine such cause, and to make such absolute decree therein against every person who shall appear to it to be only a Trustee, and not otherwise concerned in interest in the matter in question, in such and the same manner as if such Trustee had been duly served with the process of the Court, and had appeared at the hearing of such cause: Provided always, that no such decree shall bind, affect, or in any wise prejudice any person against whom the same shall be made, without service of process upon him as aforesaid, his heirs, executors, or administrators for or in respect of any estate, right or interest which such person shall have at the time of making such decree for his own use or benefit or otherwise than as a Trustee as aforesaid.

Orders made under this Act to be chargeable with the same stamp duty as deeds of conveyance.

48. Every order to be made under this Act, which shall have the effect of a conveyance of any immoveable property, or a transfer of any such stock, Government securities, or thing in action as can only be transferred by stamped deed, or for the transfer of which a stamp is necessary, shall be chargeable with the like amount of stamp duty as it would have been chargeable with if it had been a deed executed or a transfer made by the person or persons holding such property or entitled to such stock, Government securities, or thing in action. Every such order shall be duly stamped for denoting the payment of the said duty.

Costs may be paid out of the estate.

49. The High Court may order the costs and expenses of and relating to the petitions, orders, directions, conveyances and transfers to be made in pursuance of this Act, or any of them, to be paid and raised out of or from the immoveable or moveable property, or the rents or produce thereof, in respect of which the same respectively shall be made, or in such manner as the said Court shall think proper.

Enquiry concerning person of unsound mind.

50. Upon any petition being presented under this Act to the High Court concerning a person of unsound mind, it shall be lawful for the said Court to make an order directing an enquiry whether such person is or is not of unsound mind, and incapable of managing himself and his affairs. Such order shall have the same effect as the like order made under Section 1 of Act XXXIV of 1858 *(to regulate proceedings in Lunacy in the Courts of Judicature established by Royal Charter)*, and the enquiry directed to be made shall be made in all respects in the manner declared and prescribed for making an enquiry under the last-mentioned Act. The High Court may postpone making any order upon the petition presented as aforesaid, until any enquiry so directed to be made shall have been finally concluded.

Suit may be directed.

51. Upon any petition under this Act being presented to the High Court, it shall be lawful for the said Court to postpone making any order upon such petition, until the right of the petitioner shall have been declared in a suit duly instituted for that purpose.

Indemnity to all persons obeying orders passed under this Act.

52. Every order made or purporting to be made under this Act by the High Court shall be a complete indemnity to all persons whatsoever for any act done pursuant thereto; and it shall not be necessary for such persons to enquire concerning the propriety of such order, or whether the High Court has jurisdiction to make the same.

Orders under the Act to be executed as, and have the effect of, decrees.

53. Any order made by the High Court under this Act shall have the same effect and be executed in the same manner as a decree.

Short Title.

54. This Act may be cited as "The Indian Trustee Act, 1866."

From 1st February 1867, this Act to apply to Straits Settlement.

55. On and after the first day of February 1867 (but not till then), the powers and authorities given by this Act to the High Courts, shall and may be exercised by the Court of Judicature of the Settlement of Prince of Wales' Island, Singapore and Malacca, with respect to moveable and immoveable property within the local limits of the jurisdiction of that Court; and, in the said Settlement, Section 2 of this Act shall be read as if the words and figures "first day of February 1867," were substitued for the works and figures "first day of January 1866."

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,

Home Dept. (Legislative.)

The following Act of the Governor General of India in Council received the assent of his Excellency the Governor General on the 24th October 1866, and is hereby promulgated for general information :—

ACT No. XXVIII OF 1866.

To give to Trustees, Mortgagees and others, in cases to which English Law is applicable, certain powers now commonly inserted in Settlements, Mortgages and Wills, and to amend the Law of property and relieve Trustees.

Preamble.

WHEREAS it is expedient that in cases to which English law is applicable, certain powers and provisions usually inserted in Settlements, Mortgages, Wills and other Instruments, should be made incident to the estates of the persons interested, so as to dispense with the necessity of inserting the same in terms in every such Instrument, and that in such cases Trustees should be relieved; It is enacted as follows :—

Interpretation of terms.

"Immoveable property."

1. In the construction of this Act, unless there be something repugnant in the subject or context, "Immoveable Property" shall include land, any benefit to arise out of land, and things attached to the earth or permanently fastened to anything which is attached to the earth :

"Mortgage."

"Mortgage" shall be taken to include every instrument by virtue whereof immoveable property is in any manner conveyed, pledged, or charged as security for the repayment of money or money's worth lent, and to be re-conveyed, or released on satisfaction of the debt :

"Mortgagor."

"Mortgagor" shall be taken to include every person by whom any such conveyance, pledge, or charge as aforesaid shall be made :

"Mortgagee"

"Mortgagee" shall be taken to include every person to whom or in whose favour any such conveyance, pledge, or charge as aforesaid is made or transferred : and

"High Court."

"High Court" means any Court established or to be established under Statute 24 and 25 Vic., Cap. 104, and includes the Chief Court of the Punjab and the Court of Judicature of the Settlement of Prince of Wales' Island, Singapore and Malacca.

Powers of Trustees for sale, &c., and Trustees of renewable leaseholds.

Trustees empowered to sell may sell in lots, and either by public auction or private contract.

2. In all cases whereby any will, deed or other instrument of settlement it is expressly declared that trustees or other persons therein named or indicated shall have a power of sale, either generally or in any particular event, over any immoveable property named or referred to in, or from time to time subject to, the uses or trusts of such will, deed or other instrument, it shall be lawful for such trustees or other persons, whether such property be vested in them or not, to exercise such power of sale by selling such property either together or in lots, and either by public auction or private contract, and either at one time or at several times.

Sale may be made under special conditions, and trustees may buy in, &c.

3. It shall be lawful for the persons making any such sale to insert any such special or other stipulations, either as to title or evidence of title, or otherwise, in any conditions of sale, or contract for sale as they shall think fit; and also to buy in the property or any part thereof at any sale by auction, and to rescind or vary any contract for sale, and to re-sell the property which shall be so bought in, or as to which the contract shall be so rescinded, without being responsible for any loss which may be occasioned thereby; and no purchaser under any such sale shall be bound to enquire whether the persons making the same may or may not have in contemplation any particular re-investment of the purchase-money in the purchase of any other property or otherwise.

Trustees exercising power of sale, &c., empowered to convey.

4. For the purpose of completing any such sale as aforesaid, the persons empowered to sell as aforesaid shall have full power to convey or otherwise dispose of the property in question, in such manner as may be necessary.

Money arising from sales to be laid out in the manner indicated in the will, &c.

5. The money so received upon any such sale as aforesaid shall be laid out in the manner indicated in that behalf in the will, deed or instrument containing the power of sale; and until the money to be received upon any sale as aforesaid shall be so disposed of, the same shall be invested at interest in Government securities for the benefit of such persons as would be entitled to the benefit of the money and the interest and profits thereof, in case such money were then actually laid out as aforesaid : Provided that if the will, deed or instrument shall contain no such indication, the persons empowered to sell as aforesaid shall invest the money so received upon any such sale in their names upon Government securities in India, and the interest of such securities shall be paid and applied to such person or persons for such purposes and in such manner as the rents and profits of the property sold as aforesaid would have been payable or applicable in case such sale had not been made.

Until it is so laid out, money to be invested in Government securities.

Powers of Mortgagees.

Powers incident to mortgages.

6. Where any principal money is secured or charged by deed on any immoveable property, or on any interest therein, the person to whom such money shall for the time being be payable, his executors, administrators and assigns, shall, at any time after the expiration of one year from the time when such principal money shall have become payable, according to the terms of the deed, or after any interest on such principal money shall have been in arrear for six months, or after any omission to pay any premium on any insurance which by the terms of the deed ought to be paid by the person entitled to the property subject to the charge, have the following powers to the same extent (but no more) as if they had been in terms conferred by the person creating the charge, namely :—

1*st.*—A power to sell or concur with any other person in selling the whole or any part of the property by public auction or private contract,

subject to any reasonable conditions he may think fit to make, and to rescind or vary contracts for sale, or buy in and re-sell the property, from time to time, in like manner:

2nd.—A power to appoint or obtain the appointment of a receiver of the rents and profits of the whole or any part of the property in manner hereinafter mentioned.

Receipts for purchase money sufficient discharges.

7. Receipts for purchase money given by the person or persons exercising the power of sale hereby conferred, shall be sufficient discharges to the purchasers, who shall not be bound to see to the application of such purchase money.

Notice to be given before sale; but purchaser relieved from inquiry as to circumstances of sale.

8. No such sale as last aforesaid shall be made until after six months' notice in writing given to the person or one of the persons entitled to the property subject to the charge, or affixed on some conspicuous part of such property; but when a sale has been effected in professed exercise of the powers hereby conferred, the title of the purchaser shall not be liable to be impeached on the ground that no case had arisen to authorize the exercise of such power, or that no such notice as aforesaid had been given; but any person damnified by any such unauthorised exercise of such power, shall have his remedy in damages against the person or persons selling.

Application of purchase money.

9. The money arising by any sale effected as aforesaid shall be applied by the person receiving the same as follows:—first, in payment of all the expenses incident to the sale or incurred in any attempted sale; secondly, in discharge of all interest and costs then due in respect of the charge in consequence whereof the sale was made; and thirdly, in discharge of all the principal monies then due in respect of such charge; and the residue of such money shall be paid to the person entitled to the property subject to the charge, his executors, administrators or assigns, as the case may be.

Conveyance to the purchaser.

10. The person exercising the power of sale hereby conferred shall have power by deed to convey or assign to and vest in the purchaser the property sold, for all the estate and interest therein which the person who created the charge had power to dispose of: Provided that nothing herein contained shall be construed to authorize the mortgagee of a term of years to sell and convey the fee simple of the property comprised therein in cases where the mortgagor could have disposed of such fee simple at the date of the mortgage.

Owner of charge may call for title deeds and conveyance of legal estate.

11. At any time after the power of sale hereby conferred shall have become exercisable, the person entitled to exercise the same shall be entitled to demand and recover from the person entitled to the property subject to the charge, all the deeds and documents in his possession or power relating to the same property, or to the title thereto, which he would have been entitled to demand and recover if the same property had been conveyed, appointed or surrendered to and were then vested in him for all the estate and interest which the person creating the charge had power to dispose of; and where the legal estate shall be outstanding in a trustee, the person entitled to a charge created by a person equitably entitled, or any purchaser from such person, shall be entitled to call for a conveyance of the legal estate to the same extent as the person creating the charge could have called for such a conveyance if the charge had not been made.

Appointment of receiver.

12. Any person entitled to appoint or obtain the appointment of a receiver as aforesaid, may from time to time, if any person or persons has or have been named in the deed of charge for that purpose, appoint such person or any one of such persons to be receiver, or if no person be so named, then may, by writing delivered to the person or any one of the persons entitled to the property subject to the charge, or affixed on some conspicuous part of the property, require such last-mentioned person or persons to appoint a fit and proper person as receiver, and if no such appointment be made within ten days after such requisition, then may in writing appoint any person he may think fit. No person shall be ineligible for the office of receiver merely because he is an officer of the High Court.

Receiver deemed to be the agent of the mortgagor.

13. Every receiver appointed as aforesaid shall be deemed to be the agent of the person entitled to the property subject to the charge, who shall be solely responsible for his acts or defaults, unless otherwise provided for in the charge.

Powers of receiver.

14. Every receiver appointed as aforesaid shall have power to demand and recover and give effectual receipts for all the rents, issues and profits of the property of which he is appointed receiver by suit, distress, or otherwise, in the name either of the person entitled to the property subject to the charge, or of the person entitled to the money secured by the charge, to the full extent of the estate or interest which the person who created the charge had power to dispose of.

Receiver may be removed.

15. Every receiver appointed as aforesaid may be removed by the like authority, or on the like requisition as before provided with respect to the original appointment of a receiver, and new receivers may be appointed from time to time.

Receiver to receive a commission not exceeding five per cent.

16. Every receiver appointed as aforesaid shall be entitled to retain out of any money received by him, in lieu of all costs, charges, and expenses whatsoever, such a commission not exceeding five *per centum* on the gross amount of all money received, as shall be specified in his appointment, and if no amount shall be so specified, then five *per centum* on such gross amount.

Receiver to insure, if required.

17. Every receiver appointed as aforesaid shall, if so directed in writing by the person entitled to the money secured by the charge, insure and keep insured from loss or damage by fire, out

of the money received by him, the whole or any part of the property included in the charge which is in its nature insurable.

Application of moneys received by him.

18. Every receiver appointed as aforesaid shall pay and apply all the money received by him in the first place in discharge of Government revenue and of all taxes, rates and assessments whatsoever, and in payment of his commission as aforesaid, and of the premiums on the insurances, if any; and in the next place in payment of all the interest accruing due in respect of any principal money then charged on the property over which he is receiver, or on any part thereof; and, subject as aforesaid, shall pay all the residue of such money to the person for the time being entitled to the property subject to the charge, his executors, administrators or assigns.

This part to relate to charges by way of mortgage only.

19. The powers and provisions contained in Sections 6 to 18 of this Act, both inclusive, relate only to mortgages or charges made to secure money advanced or to be advanced by way of loan, or to secure an existing or future debt.

Leases.

Restriction on effect of license to alien.

20. Where any license to do any act which without such license would create a forfeiture, or give a right to re-enter, under a condition or power reserved in any lease heretofore granted, or to be hereafter granted, shall, at any time after this Act comes into operation, be given to any lessee or his assigns, every such license shall, unless otherwise expressed, extend only to the permission actually given, or to any specific breach of any proviso or covenant made or to be made, or to the actual assignment, under-lease or other matter thereby specifically authorized to be done, but not so as to prevent any proceeding for any subsequent breach (unless otherwise specified in such license); and all rights under covenants and powers of forfeiture and re-entry in the lease contained shall remain in full force and shall be available as against any subsequent breach of covenant or condition, assignment, under-lease, or other matter not specifically authorized or made dispunishable by such license, in the same manner as if no such license had been given; and the condition or right of re-entry shall be and remain in all respects as if such license had not been given, except in respect of the particular matter authorized to be done.

Restricted operation of partial licenses.

21. Where in any lease heretofore granted or to be hereafter granted, there is or shall be a power or condition of re-entry on assigning or under-letting, or doing any other specified act without license, and a license at any time after the passing of this Act shall be given to one of several lessees or co-owners to assign or under-let his share or interest; or to do any other act prohibited to be done without license, or shall be given to any lessee or owner, or any one of several lessees or owners, to assign or under-let part only of the property, or to do any other such act as aforesaid in respect of part only of such property, such license shall not operate to destroy or extinguish the right of re-entry in case of any breach of the covenant or condition by the co-lessee or co-lessees, or owner or owners, of the other shares or interests in the property, or by the lessee or owner of the rest of the property (as the case may be) over, or in respect of, such shares or interests or remaining property, but such right of re-entry shall remain in full force over, or in respect of, the shares or interests or property not the subject of such license.

Apportionment of conditions of re-entry in certain cases.

22. Where the reversion upon a lease is severed, and the rent or other reservation is legally apportioned, the assignee of each part of the reversion shall, in respect of the apportioned rent or other reservation allotted or belonging to him, have and be entitled to the benefit of all conditions or powers of re-entry for non-payment of the original rent or other reservation, in like manner as if such conditions or powers had been reserved to him as incident to his part of the reversion in respect of the apportioned rent or other reservation allotted or belonging to him.

Rent Charges.

Release of part of land charged not to be an extinguishment.

23. The release from a rent-charge of part of the immoveable property charged therewith shall not extinguish the whole rent-charge, but shall operate only to bar the right to recover any part of the rent-charge out of the property released, without prejudice nevertheless to the rights of all persons interested in the property remaining unreleased, and not concurring in or confirming the release.

Powers.

Mode of execution of powers.

24. A deed hereafter executed in the presence of and attested by two or more witnesses in the manner in which deeds are ordinarily executed and attested, shall, so far as respects the execution and attestation thereof, be a valid execution of a power of appointment by deed or by any instrument in writing not testamentary, notwithstanding it shall have been expressly required that a deed or instrument in writing made in exercise of such power should be executed or attested with some additional or other form of execution or attestation or solemnity; Provided always, that this provision shall not operate to defeat any direction in the instrument creating the power that the consent of any particular person shall be necessary to a valid execution, or that any act shall be performed in order to give validity to any appointment, having no relation to the mode of executing and attesting the instrument: and nothing herein contained shall prevent the donee of a power from executing it conformably to the power by writing or otherwise than by an instrument executed and attested as an ordinary deed, and to any such execution of a power this provision shall not extend.

Legatee in trust may raise money by sale, notwithstanding want of express power in the will.

25. Where by any will which shall come into operation after the passing of this Act, the testator shall have charged his immoveable property or any specific portion thereof with the payment of his debts, or with the payment of any legacy or other specific sum of money, and shall have bequeathed the property so charged to any

trustee or trustees for the whole of his estate or interest therein, and shall not have made any express provision for the raising of such debt, legacy, or sum of money out of such property, it shall be lawful for the said legatee or legatees in trust, notwithstanding any trusts actually declared by the testator, to raise such debts, legacy, or money as aforesaid by sale and absolute disposition by public auction or private contract, of the said property or any part thereof, or by a mortgage of the same, or partly in one mode and partly in the other; and any deed or deeds of mortgage so executed may reserve such rate of interest and fix such period or periods of repayment as the person or persons executing the same shall think proper.

Powers given by last section extended to survivors, legatees, &c.

26. The powers conferred by the last preceding Section shall extend to all and every person or persons in whom the property bequeathed in trust shall for the time being be vested by survivorship, or under the laws relating to intestate or testamentary succession, or to any person or persons who may be appointed under any power in the will, or by the High Court, to succeed to the trusteeship vested in such legatee or legatees in trust as aforesaid.

Executors to have power of raising money, &c., where there is no sufficient bequest.

27. If any testator who shall have created such a charge as is described in Section 25 of this Act, shall not have bequeathed the property charged as aforesaid in such terms as that his whole estate and interest therein shall become vested in any trustee or trustees, the executor or executors (if any) for the time being named in such will, shall have the same or the like power of raising the said monies as is hereinbefore vested in the legatee or legatees in trust of the said property, and such power shall from time to time devolve on and become vested in the person or persons (if any) in whom the executorship shall for the time being be vested.

Purchasers, &c., not bound to enquire as to powers

28. Purchasers or mortgagees shall not be bound to enquire whether the powers conferred by Sections 25, 26 and 27 of this Act, or any of them, shall have been duly and correctly exercised by the person or persons acting in virtue thereof.

Inheritance.

Descent how to be traced.

29. In cases of intestacies occurring before the first day of January 1866, where there shall be a total failure of heirs of the purchaser, or where any immoveable property shall be descendable as if an ancestor had been the purchaser thereof, and there shall be a total failure of the heirs of such ancestor, then and in every such case the property shall descend, and the descent shall thenceforth be traced from the person last entitled to the property as if he had been the purchaser thereof. This Section shall be read as part of Act No. XXX of 1889 *(for the amendment of the law of inheritance)*.

Assignment of Moveables and Terms for years.

Assignment to self and others.

30. Any person shall have power to assign moveable property now by law assignable, terms for years of immoveable property, and estates by *elegit*, directly to himself and another person or other persons or corporation, by the like means as he might assign the same to another.

Purchasers.

Not to be bound to see to the application of purchase money, &c.

31. The *bonâ fide* payment to and the receipt of any person to whom any purchase or mortgage money shall be payable upon any express or implied trust, shall effectually discharge the person paying the same from seeing to the application, or being answerable for the misapplication thereof.

Investment of Trust Funds.

On what securities trust funds may be invested.

32. Trustees having trust money in their hands which it is their duty to invest at interest, shall be at liberty, at their discretion, to invest the same in any Government securities, and such trustees shall also be at liberty, at their discretion, to call in any trust funds invested in any other securities than as aforesaid, and to invest the same on any such securities as aforesaid, and also from time to time at their discretion, to vary any such investments as aforesaid for others of the same nature: Provided always, that no such original investment as aforesaid, and no such change of investment as aforesaid, shall be made where there is a person under no disability entitled in possession to receive the income of the trust fund for his life, or for a term of years determinable with his life, or for any greater estate, without the consent in writing of such person.

Trustees and Executors.

Trustees may apply income of property of minors, &c., for their maintenance.

33. In all cases where any property is held by trustees in trust for a minor, either absolutely or contingently on his attaining majority, or on the occurrence of any event previously to his attaining majority, it shall be lawful for such trustees at their sole discretion, to pay to the guardians (if any) of such minor, or otherwise to apply for or towards the maintenance or education of such minor, the whole or any part of the income to which such minor may be entitled in respect of such property, whether there be any other fund applicable to the same purpose, or any other person bound by law to provide for such maintenance or education, or not; and such trustees shall accumulate all the residue of such income by way of compound interest, by investing the same and the resulting income thereof from time to time in proper securities, for the benefit of the person who shall ultimately become entitled to the property from which such accumulations shall have arisen: Provided always, that it shall be lawful for such trustees at any time, if it shall appear to them expedient, to apply the whole or any part of such accumulations as if the same were part of the income arising in the then current year.

Provisions for appointment of new trustees on death, &c.

34. Whenever any trustee, either original or substituted, and whether appointed by any High Court or otherwise, shall die, or be six months absent from British India, or desire to be discharged from or refuse, or become unfit or incapable to act in the trusts or powers in him reposed, before the same shall have

been fully discharged and performed, it shall be lawful for the person or persons nominated for that purpose by the deed, will, or other instrument creating the trust (if any), or if there be no such person, or no such person able and willing to act, then for the surviving or continuing trustees or trustee for the time being, or the acting executors or executor, or administrators or administrator of the last surviving and continuing trustee, or for the retiring trustees, if they shall all retire simultaneously, or for the last retiring trustee, or where there are two more classes of trustees of the instrument creating the trust, then for the surviving or continuing trustees or trustee of the class in which any such vacancy or disqualification shall occur (and for this purpose any refusing or retiring trustee shall, if willing to act in the execution of the power, be considered a continuing trustee) by writing to appoint any other person or persons to be a trustee or trustees in the place of the trustee or trustees so dying, or being absent from British India, or desiring to be discharged, or refusing or becoming unfit or incapable to act as aforesaid. So often as any new trustee or trustees shall be so appointed as aforesaid, all the trust property (if any) which for the time being shall be vested in the surviving or continuing trustees or trustee, or in the heirs, executors or administrators of any trustee, shall with all convenient speed be conveyed and transferred so that the same may be legally and effectually vested in such new trustee or trustees, either solely or jointly with the surviving or continuing trustees or trustee, as the case may require. Every new trustee to be appointed as aforesaid, as well before as after such conveyance or transfer as aforesaid, and also every trustee appointed by any High Court either before or after the passing of this Act, shall have the same powers, authorities, and discretions, and shall in all respects act as if he had been originally nominated a trustee by the deed, will, or other instrument (if any) creating the trust. The Official Trustee may with his consent, and by the order of the High Court, be appointed under this section in any case in which only one trustee is to be appointed and such trustee is to be the sole trustee.

Appointment of new trustee in place of trustee predeceasing testator.

35. The power of appointing new trustees hereinbefore contained, may be exercised in cases where a trustee nominated in a will has died in the life-time of the testator.

Trustees' receipts to be discharges.

36. The receipts in writing of any trustees or trustee for any money payable to them or him by reason, or in the exercise, of any trusts or powers reposed or vested in them or him, shall be sufficient discharges for the money therein expressed to be received, and shall effectually exonerate the persons paying such money from seeing to the application thereof, or from being answerable for any loss or misapplication thereof.

Every trust instrument to be deemed to contain clauses for the indemnity and reimbursement of the trustees.

37. Every deed, will, or other instrument creating a trust either expressly or by implication, shall, without prejudice to the clauses actually contained therein, be deemed to contain a clause in the words or to the effect following, that is to say, "that the trustees or trustee for the time being of the said deed, will, or other instrument, shall be respectively chargeable only for such moneys, stocks, funds and securities as they shall respectively actually receive, notwithstanding their respectively signing any receipt for the sake of conformity, and shall be answerable and accountable only for their own acts, receipts, neglects, or defaults, and not for those of each other, nor for any banker, broker, or other person with whom any trust moneys or securities may be deposited, nor for the insufficiency or deficiency of any stocks, funds, or securities, nor for any other loss, unless the same shall happen through their own wilful default respectively; and also that it shall be lawful for the trustees or trustee for the time being of the said deed, will, or other instrument, to reimburse themselves or himself, or pay or discharge out of the trust premises all expenses incurred in or about the execution of the trusts or powers of the said deed, will, or other instrument."

Executors may compound, &c.

38. It shall be lawful for any executors to pay any debts or claims upon any evidence that they may think sufficient, and to accept any composition, or any security for any debts due to the deceased, and to allow any time for payment of any such debts as they shall think fit, and also to compromise, compound, or submit to arbitration all debts, accounts, claims, and things whatsoever relating to the estate of the deceased, and for any of the purposes aforesaid to enter into, give, and execute such agreements, instruments of composition, releases, and other things as they shall think expedient, without being responsible for any loss to be occasioned thereby.

Trustee, &c., making payment under power of attorney, not to be liable by reason of death of party giving such power.

39. No trustee, executor, or administrator making any payment or doing any act *bonâ fide* under or in pursuance of any power of attorney, shall be liable for the moneys so paid or the act so done, by reason that the person who gave the power of attorney was dead at the time of such payment or act, or had done some act to avoid the power: Provided that the fact of the death, or of the doing of such act as last aforesaid, at the time of such payment or act *bonâ fide* done as aforesaid by such trustee, executor, or administrator, was not known to him: Provided always that nothing herein contained shall in any manner affect or prejudice the right of any person entitled to the money against the person to whom such payment shall have been made; but that such person so entitled shall have the same remedy against such person to whom such payment shall be made as he would have had against the trustee, executor or administrator, if the money had not been paid away under such power of attorney.

As to liability of executor or administrator in respect of rents, covenants, or agreements

40. Where an executor or administrator liable as such to the rents, covenants, or agreements contained in any lease or agreement for a lease granted or assigned, whether before or after the passing of this Act, to the testator or intestate whose estate is being administered, shall have satisfied all such liabilities under the said lease, or agreement for a lease as may have accrued due and been claimed up to the time of the assignment hereinafter mentioned, and shall have set apart a sufficient fund to answer any

future claim that may be made in respect of any fixed and ascertained sum covenanted or agreed by the lessee to be laid out on the property demised or agreed to be demised, although the period for laying out the same may not have arrived, and shall have assigned the lease or agreement for a lease to a purchaser thereof, he shall be at liberty to distribute the residuary estate of the deceased to and amongst the parties entitled thereto, respectively, without appropriating any part, or any further part (as the case may be) of the estate of the deceased to meet any future liability under the said lease or agreement for a lease. The executor or administrator so distributing the residuary estate shall not, after having assigned the said lease or agreement for a lease, and having, where necessary, set apart such sufficient fund as aforesaid, be personally liable in respect of any subsequent claim under the said lease or agreement for a lease. Nothing herein contained shall prejudice the right of the lessor or those claiming under him to follow the assets of the deceased into the hands of the person or persons to or amongst whom the said assets may have been distributed.

As to liability of executor, &c., in respect of rents, &c., in conveyance on rent-charge.

41. In like manner, where an executor or administrator liable as such to the rent, covenants, or agreements contained in any conveyance on chief rent or rent-charge (whether any such rent be by limitation of use, grant, or reservation), or agreement for such conveyance, granted or assigned to or made and entered into with the testator or intestate whose estate is being administered, shall have satisfied all such liabilities under the said conveyance or agreement for a conveyance, as may have accrued due and been claimed up to the time of the conveyance hereinafter mentioned, and shall have set apart a sufficient fund to answer any future claim that may be made in respect of any fixed and ascertained sum covenanted or agreed by the grantee to be laid out on the property conveyed, or agreed to be conveyed, although the period for laying out the same may not have arrived, and shall have conveyed such property, or assigned the said agreement for such conveyance as aforesaid, to a purchaser thereof, he shall be at liberty to distribute the residuary estate of the deceased to and amongst the parties entitled thereto, respectively, without appropriating any part or any further part (as the case may be) of such estate to meet any future liability under the said conveyance, or agreement for a conveyance. The executor or administrator so distributing the residuary estate shall not, after having made or executed such conveyance or assignment, and having, where necessary, set apart such sufficient fund as aforesaid, be personally liable in respect of any subsequent claim under the said conveyance, or agreement for conveyance. Nothing herein contained shall prejudice the right of the grantor, or those claiming under him, to follow the assets of the deceased into the hands of the person or persons to or among whom the said assets may have been distributed.

As to distribution of the assets of testator or intestate after notice given by executor and administrator.

42. Where an executor or administrator shall have given such or the like notices, as in the opinion of the Court in which such executor or administrator is sought to be charged would have been given by the High Court in an administration suit, for creditors and others to send into the executor or administrator their claims against the estate of the testator or intestate, such executor or administrator shall, at the expiration of the time named in the said notices, or the last of the said notices, for sending in such claims, be at liberty to distribute the assets of the testator or intestate, or any part thereof, amongst the parties entitled thereto, having regard to the claims of which such executor or administrator has then notice, and shall not be liable for the assets or any part thereof so distributed to any person of whose claim such executor or administrator shall not have had notice at the time of distribution of the said assets or a part thereof, as the case may be. Nothing in the present Act contained shall prejudice the right of any creditor or claimant to follow the assets or any part thereof into the hands of the person or persons who may have received the same respectively.

Trustee, executor, &c., may apply by petition to Judge of High Court for opinion, advice, &c., in management, &c., of trust property.

43. Any Trustee, executor, or administrator shall be at liberty, without the institution of a suit, to apply by petition to any Judge of the High Court for the opinion, advice or direction of such Judge on any question respecting the management or administration of the trust property or the assets of any testator or intestate. Such application shall be served upon or the hearing thereof shall be attended by all persons interested in such application, or such of them as the said Judge shall think expedient. The trustee, executor or administrator acting upon the opinion, advice, or direction given by the said Judge shall be deemed, so far as regards his own responsibility, to have discharged his duty as such trustee, executor or administrator in the subject matter of the said application: Provided nevertheless, that this Act shall not extend to indemnify any trustee, executor or administrator in respect of any act done in accordance with such opinion, advice or direction as aforesaid, if such trustee, executor or administrator shall have been guilty of any fraud or wilful concealment or misrepresentation in obtaining such opinion, advice or direction: and the costs of such application as aforesaid shall be in the discretion of the Judge to whom the said application shall be made.

General Provisions.

Tenants for life, &c., may execute powers, notwithstanding incumbrances.

44. For the purposes of this Act, a person shall be deemed to be entitled to the possession, or to the receipt of the rents and income of immoveable or moveable property, although his estate may be charged or incumbered, either by himself or by any former owner, or otherwise howsoever to any extent; but the estates or interests of the parties entitled to any such charge or incumbrance shall not be affected by the acts of the person entitled to the possession or to the receipt of the rents and income as aforesaid, unless they shall concur therein.

Operation of Act.

45. The provisions contained in this Act shall, except as hereinbefore otherwise provided, extend only to persons entitled or acting under a deed, will, codicil or other instrument executed after this Act comes into operation, or under a will or codicil

confirmed or revived by a codicil executed after that date, and only to property in British India and to cases to which English law is applicable.

Short title.

46. This Act may be called The Trustees and Mortgagees' Powers Act, 1866.

From 1st February 1867, Act to apply to Straits Settlements.

47. On and after the first day of February 1867, but not till then, this Act shall apply to the Settlement of Prince of Wales' Island, Singapore and Malacca; and, in the said Settlement, Section 29 of this Act shall be read as if the words and figures "first day of February 1867" were substituted for the words and figures "first day of January 1866."

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 24th October 1866, and is hereby promulgated for general information :—

ACT No. XXIX OF 1866.

To enlarge the jurisdiction of the Courts of Requests in the Settlement of Prince of Wales' Island, Singapore and Malacca.

Preamble.

WHEREAS by the Letters Patent re-constituting the Court of Judicature of Prince of Wales' Island, Singapore and Malacca, Her Majesty, among other things, authorized and empowered the Governor or President and Council of the said Settlement for the time being to erect and establish such Court or Courts of Judicature as they should see fit for the recovery of small debts, and for the trial and determination of all suits and causes whatsoever against any of the inhabitants of the said Settlement, wherein the debt, duty, or matter in dispute should not exceed the value of thirty-two dollars; and whereas under the said authority Courts of Requests have been established at Penang, Province Wellesley, Singapore, and Malacca; and whereas it is expedient that the said Courts, and also any other Courts which may hereafter be established under the said authority, should have jurisdiction in all suits wherein the matter in dispute shall not exceed the value of fifty dollars; It is enacted as follows :—

Courts of Requests authorized to try suits to an amount or value not exceeding 100 dollars.

1. From and after the passing of this Act, any Court or Courts established or which may be established in the Settlement of Prince of Wales' Island, Singapore and Malacca, under the said authority, shall have jurisdiction to try and determine all suits brought for the recovery of debts, and all suits and causes whatever against any of the inhabitants of the said Settlement or the places now, or at any time hereafter to be, subordinate or annexed thereto, wherein the debt, duty, or matter in dispute shall not exceed the value of fifty dollars.

Appointment, remuneration and removal of Bailiffs and Appraisers.

2. It shall be lawful for the Commissioners of the Court of Requests respectively in the several Stations of the Settlement of Prince of Wales' Island, Singapore and Malacca, to appoint four or more persons to be Bailiffs and Appraisers for the purposes of this Act, and with the sanction of the Governor of the said Settlement to fix such remuneration for the services of the said Officers as shall appear to the said Commissioners expedient, and such persons shall be duly sworn before the said Commissioners, and shall also give security, to be approved by the said Commissioners, faithfully to discharge the duties of their office, and the said Commissioners shall have power to suspend or remove such persons so appointed: Provided that it shall be lawful for the said Commissioners respectively to appoint the Bailiffs who may be attached from time to time to the said Courts respectively to the office of Distraining Bailiffs and Appraisers, for the purposes of this Act, and to award to the said Officers such remuneration, in addition to their respective salaries drawn from the said Court, as to the said Commissioners with the sanction of the Governor of the said Settlement shall appear expedient.

Issue of distress warrant.

3. It shall be lawful for any Commissioner of a Court of Requests in any such Station, upon the affidavit in the form contained in the Schedule to this Act annexed (marked D) of any party claiming to be entitled to arrears of rent of any house or premises situate in such Station, not exceeding the amount of fifty dollars, or in case of absence of such party from such Station, or in case of respectable females who do not appear in public, upon the affidavit of the constituted attorney of such party, stating the amount of such arrears, and for what time and at what rate the same became due, to issue a warrant under his hand and seal, in the form contained in the Schedule to this Act annexed (marked A), addressed to any one of such Officers of such Court, directing him to levy the amount of such rent, together with the costs of the said distress, in the manner therein mentioned: Provided that it shall be lawful for any of the said Commissioners, upon personal examination of the party applying for such warrant, to grant or withhold the same, at the discretion of the said Commissioner.

Seizure of goods and chattels.

4. By virtue of such warrant, it shall be lawful for such Officer to seize the whole or such part of the goods and chattels upon the said premises as shall be sufficient to cover the amount of the said rent, together with the costs of the said distress, and he shall thereupon make an inventory of the goods and chattels so seized, and shall give a notice in writing in the form in the Schedule to this Act annexed (marked B), to the party from whom such rent is claimed to be due, or to any other person upon behalf of such party upon the said premises, that the said goods and chattels will be appraised and sold in manner therein mentioned. And the said Officer shall file in the Court of Requests, from which the warrant issued, true copies of the said inventory and notice: Provided that it shall be lawful for the party from whom such rent is claimed to be due, at any time within five days from such seizure, to apply to any Commissioner of such Court to discharge or suspend

such warrant, and it shall be lawful for such Commissioner to discharge or suspend such warrant accordingly, with or without costs: Provided that it shall be lawful for any of the said Commissioners in his discretion to give reasonable time to such party to pay the said rent.

Sale of goods and chattels.

5. In default of such application, it shall be lawful for any two of such Officers of such Court, at the expiration of five days from such seizure, to appraise the goods and chattels so seized, and to give notice in writing in the form in the Schedule to this Act annexed (marked E) of the sale thereof, at such time and place as they shall direct, after an interval of not less than two days; and they shall file in such Court a true copy of the said notice, and that the same shall be sold accordingly, and the said Officers shall forthwith, after realization of the produce of the said sale, pay over the amount thereof to the Chief Clerk of the said Court, or other Head Officer of such Court, and the amount of such produce shall be applied in satisfaction of the sum claimed to be due, together with the costs of the said distress, and the surplus, if any, shall be returned to the party from whom the said rent was claimed to be due: Provided that it shall be lawful for such party to direct that such sale shall take place in any other manner, such party giving security for any extra costs attending such mode of sale.

Costs of distress.

6. No costs shall be taken or demanded for such distress, except those contained in the Schedule to this Act annexed (marked C), and it shall be lawful for the said Commissioners of the Court out of which such distress is issued, with the sanction of the Governor of the said Settlement, to apply the sum so raised as costs towards the payment of the contingent charges and remuneration of the said Bailiffs and Appraisers, as shall appear to the said Commissioners expedient, and the Chief Clerk or other Head Officer of the said Court shall keep a book, in which all sums received as costs upon distresses made under the provisions of this Act, and all sums paid as remuneration to the said Bailiffs and Appraisers, and all contingent charges incurred in respect of such distresses shall be duly entered, and the Chief Clerk or other Officer, as aforesaid, of the said Court, shall also enter in the said book all sums realized by sale of the goods and chattels distrained and paid over to the landlords, under the provisions of this Act.

No distress for arrears of rent amounting to fifty dollars except under this Act.

Penalty.

7. After the passing of this Act, no distress shall be levied for arrears of rent amounting to fifty dollars or less, except under the provisions of this Act; and any person, except such Officer as shall be appointed, under this Act, levying or attempting to levy any such distress, shall be guilty of a misdemeanor, and shall be liable to be punished by fine and imprisonment for the same, in addition to any other liability he may have incurred by such trespass.

Act not to apply to rent due to Government.

8. This Act shall not extend to any arrears of rent exceeding fifty dollars, nor in respect of any house or premises situate out of the local jurisdiction of any such Court, nor to any rent due to Government, nor to any seizure, except on the premises in respect of which such rent is claimed.

Seal of Court.

9. A seal shall be made for every Court of Requests in the said Settlement under the direction of the Governor of the said Settlement, and all summonses and other process issuing out of any such Court shall be sealed or stamped with the seal of the Court; and every person who shall forge the seal or any process of any such Court, or who shall serve or enforce any such forged process knowing the same to be forged, or deliver or cause to be delivered to any person any paper falsely purporting to be a copy of any summons or other process of such Court, knowing the same to be false, or who shall act, or profess to act under any false color or pretence of the process of the said Court, shall be guilty of felony.

Mode of examining witnesses.

10. Every person who shall give evidence in any Court of Requests in the said Settlement shall be examined on oath, or when exempt by law from taking an oath, on solemn affirmation; and every person, who, in any examination upon oath or solemn affirmation, under this Act, shall wilfully and corruptly give false evidence, shall be deemed guilty of perjury.

Summonses to witnesses.

11. Either of the parties to a suit or any other proceeding in any Court of Requests in the said Settlement may obtain, at the Office of the Clerk of such Court or other Officer as aforesaid, summonses to witnesses, with or without a clause, requiring the production of books, deeds, papers and writings in their possession or control, and in any such summons any number of names may be inserted.

Penalty for witness not appearing, &c.

12. Every person, on whom any such summons shall have been served, either personally or in such other manner as shall be directed by the general rules or practice of the Court of Requests out of which such summons shall issue, and who shall refuse or neglect, without sufficient cause, to appear or to produce any books, papers, or writings required by such summons to be produced, and also every person present in any such Court, who shall be required to give evidence, and who shall refuse to be sworn and give evidence, shall forfeit and pay such fine, not exceeding fifty dollars, as the Commissioners of such Court shall impose on him, and the whole or any part of such fine in the discretion of the Commissioners after deducting the costs, may be applied towards indemnifying the party injured by such refusal or neglect.

Issue of warrant for arrest of defendant evading process or concealing property.

13. The Commissioners of any Court of Requests in the said Settlement, in all suits where the debt or demand exceeds the sum of fifteen dollars, upon proof before them that any defendant, against whom a summons has been taken out, conceals himself from, or otherwise evades process of, such Court, or is disposing of his property and effects, with intent to defraud the plaintiff or his creditors generally, or is about to withdraw his person or

effects from the jurisdiction of such Court, may issue a warrant for the apprehension of such person, and may commit him to gaol, until he shall find security for his appearance in such Court, from time to time, until judgment shall be pronounced in the suit commenced by such summons, and for payment of the amount and the costs which may be decreed against him therein.

Enforcement of fines.

14. Payment of any fine imposed by any Court of Requests under the authority of this Act may be enforced upon the order of the Commissioners of such Court in like manner as payment of any debt adjudged in the said Court, and shall be accounted for as herein provided.

Execution may issue either against person or property of debtor.

15. Whenever any Court of Requests in the said Settlement shall have made an order for the payment of money, the amount shall be recoverable, in case of default or failure of payment thereof forthwith, or at the time or times and in the manner directed, by execution against the body or the goods and chattels of the person against whom such order is made, without further notice or order, and the Clerk of the said Court or other Officer as aforesaid, at the request of the person prosecuting such order, shall issue under the seal of the Court a writ of execution to one of the Bailiffs of such Court, which shall be his warrant to take the body of such person in execution, or to levy, or cause to be levied by distress and sale of the goods and chattels of such person, such sum of money as shall be so ordered, wheresoever they may be found within the district of the Court, and also the costs of the execution; and all Constables and other Peace Officers within their several jurisdictions shall aid in the execution of every such writ.

In case of order to pay by instalments, execution to issue on default of payment, without further notice.

16. If any such Court shall have made any order for payment of any sum of money by instalments, execution upon such order shall not issue until after default in payment of some instalment according to such order; and execution or successive executions may then issue without further notice or order for the whole of the said sum of money and costs then remaining unpaid, or for such portion thereof as such Court shall order, either at the time of making the original order, or at any subsequent time, under the seal of the Court.

Warrants in execution against the body.

17. Whenever any warrant shall issue for taking in execution the body of any person under this Act, the Bailiffs of the Court of Requests out of which such warrant shall issue, shall be empowered, by virtue thereof, to take and convey him to any prison appointed by the Governor of the Settlement to be the prison of such Court there to remain for such term as shall be directed by the warrant not longer than six calendar months, or until he shall sooner perform the order of such Court.

No person to be twice imprisoned, nor execution against body and goods to issue at the same time under same judgment.

18. No person shall be imprisoned twice under the same judgment, nor shall execution against the body and goods issue at the same time under the same judgment.

Warrants in execution against goods.

19. Every Bailiff executing any process of execution issuing out of any such Court against the goods of any person, may, by virtue thereof, seize and take any of the goods of such person (excepting the necessary wearing apparel and bedding of such person or his family, and the tools and implements of his trade), and may also seize and take any money or bank notes, and any cheques, bills of exchange, promissory notes, bonds, specialties or securities for money belonging to any such person against whom any execution shall have issued as aforesaid.

Penalty for contempts of Court.

20. If any person shall wilfully insult any Commissioner, Clerk, or Officer of any such Court, for the time being during his sitting or attendance in Court, or shall wilfully interrupt the proceedings of any such Court, or otherwise misbehave in any such Court, it shall be lawful for any Bailiff or Officer of the Court, with or without the assistance of any other person, by the order of a Commissioner of such Court, to take such offender into custody, and detain him until the rising of such Court; and the Commissioners shall be empowered, if they shall think fit, by a warrant under their hands, and sealed with the seal of the Court, to commit any such offender to any prison to which they have power to commit offenders under this Act, for any time not exceeding seven days, or to impose upon any such offender a fine not exceeding twenty-five dollars, for every such offence, and in default of payment thereof to commit the offender to any such prison as aforesaid, for any time not exceeding seven days, unless the said fine be sooner paid, or instead of inflicting summary punishment under this Act, may cause the offender to be indicted in the Court of Judicature if the offence be an indictable misdemeanor.

Penalty for assaulting Bailiff, &c., in execution of duty.

21. If any Officer or Bailiff of any such Court shall be assaulted while in the execution of his duty, or if any rescue shall be made or attempted to be made of any person arrested or goods levied under process of any such Court, the person so offending shall be liable to a fine not exceeding fifty dollars, to be recovered by order of such Court, or before a Magistrate, and the Bailiff of the Court, or any Peace Officer in any such case, may take the offender into custody (with or without warrant) and bring him before such Court or Magistrate accordingly.

Penalty for Bailiff neglecting, &c., to execute warrant.

22. If any Bailiff of any such Court, who shall be employed to execute any warrant of any such Court, shall, by neglect, or connivance, or omission, lose an opportunity of executing such warrant, then, upon complaint of the party aggrieved by reason of such neglect, connivance, or omission (and the fact alleged being proved to the satisfaction of the Court), the Commissioners of such Court shall order the Bailiff to pay such damages as it shall appear that the plaintiff has sustained thereby, not exceeding in any case the sum of money for which the said execution is issued, and the Bailiff shall be liable thereto, and upon demand made thereof and on his refusal so to pay and satisfy the same, payment thereof shall be enforced by such ways and means

as are herein provided for enforcing a judgment recovered in the said Court, without prejudice nevertheless to the execution of the original warrant.

Penalty for misconduct on part of Clerk, Bailiff, &c.

23. If any Clerk, Bailiff, or other Officer of any such Court acting under colour or pretence of the process of the said Court shall be charged with extortion or misconduct, or with not duly paying or accounting for any money levied by him under the authority of this Act, the Commissioners of such Court may enquire into such matter in a summary way, and for that purpose may summon and enforce the attendance of all necessary parties in like manner as the attendance of witnesses in any case may be enforced, and may make such order thereupon for the re-payment of any money extorted, or for the due payment of any money so levied as aforesaid, and for the payment of such damages and costs, as they shall think just, and also if they shall think fit, may impose such fine upon the Clerk, Bailiff, or Officer, not exceeding fifty dollars for each offence, as they shall deem adequate, and in default of payment of any money so ordered to be paid, payment of the same may be enforced by such ways and means as are herein provided for enforcing a judgment recovered in the said Court.

Penalty for Clerk, &c., taking bribe.

24. Every Clerk, Bailiff, or other Officer employed in putting any of the powers of this Act in execution, who shall wilfully and corruptly exact, take, or accept any fee or reward whatsoever, other than his lawful salary, for any thing done or to be done by virtue of this Act, or on any account whatsoever relative to putting this Act into execution, shall, upon proof thereof before the Court in which such Clerk, Bailiff, or Officer is employed, and in the case of a Clerk, on conformation of the finding of the Court by the Governor of the said Settlement, be for ever incapable of serving or being employed under this Act in any office of profit or emolument, and shall also be liable for damages as herein provided.

Provision for cases of erroneous execution of process.

25. If any claim shall be made to or in respect of any goods or chattels taken in execution under the process of any Court of Requests under this Act, or in respect of the proceeds or value thereof, by any person not being the party against whom such process has issued, the Clerk of such Court or other Officer has aforesaid, upon application of the Officer charged with the execution of such process, as well before as after any action brought against such Officer, may issue a summons, calling before the said Court, as well the party issuing such process as the party making such claim, and thereupon any action which shall have been brought in the Court of Judicature in respect of such claim, shall be stayed, and the Judge of the Court of Judicature, on proof of the issue of such summons, and that the goods and chattels were so taken in execution, may order the party bringing such action to pay the costs of all proceedings had upon such action, after the issue of such summons out of such Court of Requests; and the Commissioners of such Court of Requests shall adjudicate upon such claim, and make such order between the parties in respect thereof, and of the costs of the proceedings as to them shall seem fit, and such order shall be enforced in like manner as any order made in any suit brought in such Court.

Limit of damages in actions against Clerk, &c.

26. If any person shall bring any suit in any Court of Judicature in the said Settlement in respect of any grievance committed by the Clerk, Bailiff or Officer of any Court of Requests within the jurisdiction of such Court of Judicature under colour or pretence of the process of the said Court of Requests, and upon the trial of the action, no greater damages shall be found for the plaintiff than the sum of two hundred and fifty dollars, no costs shall be awarded to the plaintiff in such action, unless the Judge shall certify in Court, upon the back of the record, that the action was fit to be brought in the Court of Judicature.

Form of conviction.

27. In all cases where any conviction shall be had for any offence committed against this Act, the form of conviction may be in the words or to the effect following (that is to say) Be it remembered that on this day of in the year A. B. is convicted before a Magistrate for the or before a Commissioner acting under Act No. XXIX of 1866 of having (state the offence) and I (or we) the said do adjudge the said to forfeit and pay for the same the sum of [or to be committed to for the space of] given under hand ( ) and seal ( ) the day and year aforesaid.

No order, &c., to be quashed for want of form.

28. No order, verdict of judgment, or other proceeding, made concerning the matters aforesaid, shall be quashed or vacated for want of form.

Distress not unlawful on account of defect or informality.

29. Where any distress shall be made for any sum of money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on account of any defect or want of form in the information, summons, conviction, warrant of distress or other proceeding relating thereto, nor shall the party distraining be deemed a trespasser from the beginning on account of any irregularity which shall afterwards be committed by the party so distraining, but the person aggrieved by such irregularity may recover full satisfaction for the special damage in an action upon the case.

Limitation of actions.

30. All actions and prosecutions to be commenced against any person for any thing done in pursuance of this Act shall be commenced within three calendar months after the fact committed, and not afterwards, and notice in writing of such action, and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and no plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action is brought, or if after action brought a sufficient sum of money shall have been paid into Court, with costs by or on behalf of the defendant.

A.

In the Court of Requests in and for the Station of (as the case may be).

FORM OF WARRANT.

I hereby direct you to distrain the goods and chattels on the premises of A. B., situate in in the for the sum of dollars, being the amount of months' rent due to C. D. for the same, on the day of last according to the provisions of the Act No. XXIX of 1866, dated 1st day of May.

To (Signed and Sealed)

E. F.

(Sworn Bailiff and Appraiser.

B.

In the Court of Requests in and for the Station of (as the case may be).

FORM OF INVENTORY AND NOTICE.

(State particulars of goods seized)

Take notice that I have this day seized the goods and chattels contained in the above inventory for the sum of dollars, being the amount of months' rent due to C. D. at last, and that unless you pay the amount thereof, together with the costs of this distress, within five days from the date hereof, or obtain an order from one of the Commissioners of the Court of Requests to the contrary, the same will be appraised and sold, pursuant to the provisions of the Act No. XXIX of 1866.

(Signed) E. F.,

Sworn Bailiff and Appraiser.

To

A. B.

C.

In the Court of Requests in and for the Station of

SCALE OF FEES TO BE LEVIED IN DISTRAINTS FOR HOUSE RENT.

SUMS SUED FOR.	Affidavit, &c., Warrant to distrain.	Order to sell.	Commission.	Total.	REMARKS.
	Dol. ct	Dol. ct.	Dol. ct	Dol. ct.	
1 and under 5 Dollars.					
5 " 10 "					
10 " 15 "					
15 " 20 "					
20 " 25 "					
25 " 30 "					
30 " 35 "					
35 " 40 "					
40 " 45 "					
45 " 50 "					

The above scale is intended to include all expenses, except in suits where the tenant disputes the landlord's claim, and witnesses have to be subpœnaed, in which case each subpœna for sums under must be paid for at each, and above that amount, and also where peons were kept in charge of property distraint, per day must be paid per man.

D.

In the Court of Requests in and for the Station of (as the case may be).

A. B. (Plaintiff)

versus

C. D. (Defendant)

A. B., inhabitant of in the Station of maketh oath and saith, that C. D., who is also an inhabitant of the town of is justly indebted to in the sum of dollars for arrears of rent of the house and premises No. situated at in the Station of due for month, to wit, from to at the rate of dollars per mensem. Sworn before me the day of 18 .

Commissioner.

E.

In the Court of Requests in and for the Station of (as the case may be).

Take notice that we have appraised the goods and chattels seized on the under the provisions of the Act No. XXIX of 1866 of which a notice and inventory had been duly served upon you under date the , and that the said goods and chattels will be sold on the at pursuant to the provisions of the said Act.

(Signed) E. F.,

" G. H.,

Sworn Bailiffs and Appraisers.

To

A. B.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India, Home Dept. (Legislative.)

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 24th October 1866, and is hereby promulgated for general information :—

ACT No. XXX. OF 1866.

An Act for amending the laws for collecting a Revenue of Excise on Spirituous Liquors and Intoxicating Drugs in the Settlement of Prince of Wales' Island, Singapore and Malacca.

Preamble.

WHEREAS it is expedient to amend the laws for the collection of a Revenue of Excise upon Opium, Chandoo, Spirituous Liquors, Toddy and Bhang, and the granting of Excise Licenses for the sale of the said articles by retail within the Settlement of Prince of Wales' Island, Singapore and Malacca: It is enacted as follows :—

Repeal of Act XIV of 1851.

1. Act No. XIV of 1851 (*for consolidating the laws for collecting a Revenue of Excise on Spirituous Liquors and Intoxicating Drugs, in the Settlement of Prince of Wales' Island, Singapore and Malacca*), is hereby repealed, except in so far as that Act repeals any other Regulations or Acts, and except as to acts done, offences committed, and liabilities incurred before the passing of this Act. Section 53 of Act XIII of 1856 (*for regulating the Police of the Towns of Calcutta, Madras and Bombay, and the several Stations of the Settlement of Prince of Wales' Island, Singapore and Malacca*), shall be read as if the reference therein made to the said Act No. XIV of 1851 were made to this Act.

Duties imposed.

2. All Opium, Chandoo and Opium Dross, and all Spirituous Liquors, and all Toddy and Bhang shall, except as is hereinafter provided, be liable to a duty, when used or consumed in any of the Stations of the said Settlement.

Exclusive rights.

3. The exclusive right of making or preparing Chandoo or Opium Dross, and of retailing Chandoo or Opium Dross, or Opium in smaller quantities than one chest; and the exclusive right of retailing Spirituous Liquors, and of making and distilling Spirituous Liquors; and the exclusive right of selling Toddy and Bhang, within the Settlement of Prince of Wales' Island, Singapore and Malacca, shall be vested, from time to time, in such persons as the Local Government may license for that purpose, either by public or private sale of such exclusive rights, and on such conditions as may be proper, to secure the due payment of the rents and revenues of the said Farms, and to provide equitable arrangements for the transfer of the stocks of machinery and exciseable articles in the possession or any Farmer at the end of his term of exclusive privilege to the next succeeding Farmer.

Farmer's name.

4. Any person in whom the exclusive right of making or preparing Chandoo or Opium Dross, and of retailing Opium in smaller quantities than one chest shall be vested, shall be called the "*Opium Farmer* of Prince of Wales' Island," or "of Singapore," or "of Malacca," as the case may be; and the person on whom the exclusive right of retailing Spirituous Liquors, and of making and distilling and compounding Spirituous Liquors shall be vested, shall be called the "*Spirit Farmer* of Prince of Wales' Island," or "of Singapore," or "of Malacca," as the case may be; and the person in whom the exclusive right of selling Toddy and Bhang shall be vested, shall be called the "*Toddy Farmer* of Prince of Wales' Island," or "of Singapore," or "of Malacca," as the case may be.

Farmers to sign contract,

5. No person in whom such exclusive right may be vested, shall use such right until after he shall have entered into a contract in writing with the Local Government, binding himself to adhere to the terms of such contract, and to the provisions of this Act; and the several Farmers shall give such security, as may seem to the Local Government to be sufficient, for the due fulfilment of their contracts, by deposit of money or valuable securities, or by mortgage of real or personal property or otherwise: And it shall be lawful for the Local Government to sell, dispose of and realize all such property mortgaged, pledged or deposited, without action, suit or other legal procedure for judgment or decree, in any Court of Justice, and to apply the same, or the proceeds of sale thereof, or so much thereof as may be required, to liquidate any penalties, forfeitures, damages or losses which may arise or exist against the said Farmers at the end of their several terms, before surrendering to them their securities, or making over to them the monies and valuable securities so deposited: Provided that no such penalties, forfeitures, damages or losses shall be chargeable against any Farmer under this Act till the same shall have been sanctioned, in writing, by the chief Civil Authority in the said Settlement. Such contract and mortgage may be in the form of Schedule A to this Act annexed, or to the like effect.

and give security, &c.

Government may dispose of securities, &c.,

summarily,

and apply same to defalcations, &c.

Proviso.

Form of contract and of mortgage.

Farm of Opium.

Import of Opium.

6. *Clause* 1.—Every person importing into any of the said Stations any Opium, shall, before landing such Opium or any part thereof, deliver, or cause to be delivered, to the Registrar of Imports and Exports of the Station, a Bill, in form of Schedule B to this Act annexed, or to the like effect, specifying the quantity and description of Opium, the name of the ship, the time of landing, and the place where the said Opium is intended to be stored: whereupon the Registrar of Imports and Exports, or his Deputy, shall furnish a permit, without fee, in form of Schedule C to this Act annexed, or to the like effect, authorizing the Opium to be landed and stored, in terms of the Bill of Specifications; and no Opium so stored shall be removed without a per-

Bill of Specifications.

Permit by Registrar of Imports and Exports to land Opium.

mit from the Registrar of Imports and Exports, who shall grant such permit on the application, in writing, in form of Schedule D to this Act annexed, or to the like effect, of the owner, or his Agent, desiring to remove the same, and stating the place to which it is to be transferred: and before exporting any Opium from any of the said Stations, the intending exporter shall furnish to the Registrar of Imports and Exports of the Station, a Bill, in form of Schedule E to this Act annexed, or to the like effect, specifying the quantity and description of Opium to be exported, and the name of the ship, and the place to which the same is to be exported, whereupon the Registrar of Imports and Exports, or his Deputy, shall furnish, without fee, to the intending exporter, a permit, in form of Schedule F to this Act annexed, or to the like effect, authorizing the said Opium to be exported.

Permit to remove.

Export of Opium.

Permit to export.

Clause 2.—And it shall not be lawful for any person to import, or bring, into any of the said Stations, or to export, or take out, from any of the said Stations, any Opium, except to or from the principal Ports of the said Station, and within the limits of the said several Ports, as laid down under Act No. XXII of 1855 (*for the regulation of Ports and Port Dues*), or any other Act, to the like effect, to be hereafter passed.

Confined to principal Ports.

Clause 3.—Any Opium in smaller quantities than one chest, imported into any of the said Stations, shall be lodged in the Office of the Registrar of Imports and Exports, subject to the rules laid down in Section 11 of this Act, and shall not be taken therefrom, except for exportation, or sale to the Opium Farmer of the Station, as is hereinafter provided.

Opium less than one chest.

Clause 4.—Any person offending against any of the provisions of this Section, shall be liable, on conviction, to a penalty not exceeding Five Hundred Dollars; and any Opium so imported, or exported, or stored, or moved, or attempted to be imported, or exported, or stored, or moved, contrary to the provisions of this Section, with the packages and vessels in which it is contained, shall be seized and forfeited.

Penalty.

Forfeiture.

7. The Opium Farmer shall be entitled to inspect, and take extracts from, the Registry of Imports and Exports, and the production of a copy of any extracts from the said Registry, certified under the hand and seal of the Registrar of Imports and Exports of the Station, or his Deputy, shall, on the trial of any person charged with an offence under this Act, in any Court of Justice within the said Settlement, be proof of the facts set out in the said extracts, till the contrary be shown, by, or for, the person so charged, and the omission of entries in the said book shall be proof, till the contrary is shown, in like manner, that application has not been made for the permit required.

Inspection of Register.

Certified extracts of Register, evidence.

Omission of entries.

8. Any Justice of the Peace at any of the said Stations, on information, on oath, lodged before him, by the Opium Farmer of the Station or his Agent, that there is reason to believe that any Opium has been imported into the said Settlement, contrary to the provisions of this Act, or that any Opium imported into, and stored in the Station, has been removed without a permit, as hereinbefore required, from the place in which such Opium was stored, may issue his warrant, in the form of Schedule G to this Act annexed, or to the like effect, to enter and search any place, and if any Opium is found to have been so imported, or to be missing from the place in which it was permitted to be stored, the person in whose possession such Opium may be found, or in whose name such Opium shall have been so stored, shall be liable, on conviction, to a penalty not exceeding Five Hundred Dollars for every chest of Opium which shall be found to have been so imported, or so removed, contrary to the provisions of this Act.

Search warrant for Opium.

Information.

Penalty.

9. Every person, other than the Opium Farmer of the Station, who shall make or prepare Chandoo or Opium Dross, within the local limits of the jurisdiction of the Court of Judicature of the said Settlement, or who shall import thereinto any Chandoo, or Opium Dross, except as is hereinafter provided by Section 11 of this Act, or who shall therein sell, or offer for sale, or permit to be sold, or offered for sale, or who shall purchase, or who shall knowingly have in, or receive into, his possession or control, any Chandoo or Opium Dross, or Opium in less quantities than one chest, not purchased from the Opium Farmer of the then current year, or a licensed Opium Shop-keeper of the Station, of the then current year, the onus of proof of which purchase shall rest with the person in whose possession or control the said Chandoo or Opium Dross or Opium may be found, shall be liable, on conviction, for the first offence, to a penalty not exceeding One Hundred Dollars; for the second offence, a penalty not exceeding Two Hundred Dollars; and for every subsequent offence, a penalty not exceeding Four Hundred Dollars; and all such contraband Chandoo or Opium Dross, and the vessels containing the same, shall be forfeited, and all utensils and vessels which have been used, or which are plainly intended to be used, in preparing Chandoo and Opium Dross, shall be seized and forfeited.

Making Chandoo.

Importing Chandoo.

Selling Chandoo.

Having in possession Chandoo.

Proof.

Penalty.

Forfeiture.

10. Every person, other than the Opium Farmer of the Station, who shall sell, or offer for sale, and every person who shall buy from any person other than the Opium Farmer of the then current year, or who shall knowingly receive, or have in his possession, contrary to the provisions of this Act, any quantity of raw Opium less than one chest, shall be liable, on conviction, for the first offence, to a penalty not exceeding One Hundred Dollars; for the

Raw Opium, selling or buying.

Having in possession.

Penalty.

second offence, a penalty not exceeding Two Hundred Dollars; and for every subsequent offence, a penalty not exceeding Four Hundred Dollars; and all such Opium with the packages or vessels in which the same is contained, shall be seized and forfeited: Provided that nothing herein contained shall be held to prevent the sale of raw Opium, for exportation, under the provisions of Section 12 of this Act.

Forfeiture.

Proviso.

11. Every person arriving in any ship at any of the said Stations, who may have on board any Chandoo, or any Opium Dross, or any raw Opium, in less quantity than one chest, shall, within twenty-four hours after such vessel shall have come to anchor, give notice in writing thereof to the Registrar of Imports or Exports in the form of Schedule B to this Act annexed, or to the like effect, and shall apply to the said Registrar for a permit to land the said Opium, or Chandoo, or Opium Dross; and the said Registrar, or his Deputy, shall forthwith issue a permit, without fee, in form of Schedule C to this Act annexed, or to the like effect; whereon the person receiving the permit shall forthwith, and before landing any of the said Opium, Chandoo, or Opium Dross, furnish a copy of the said permit to the Opium Farmer of the Station; when the said Opium, Chandoo, and Opium Dross shall be forthwith landed and deposited in the Office of the said Registrar, where it shall remain until exported or sold to the Opium Farmer: and when it is desired to export the same, the Owner or his Agent shall apply, in writing, in form of Schedule E to this Act annexed, or to the like effect, to the said Registrar for a permit to export; when the said Registrar, or his Deputy, shall issue his permit, without fee, in the form of Schedule F to this Act annexed, or to the like effect, authorizing the export; and the person receiving the said permit shall forthwith, and before the removal of any of the said Opium, Chandoo or Opium Dross, furnish a copy of the said permit to the Opium Farmer of the Station, and shall at once thereafter proceed to remove the said Opium, Chandoo or Opium Dross from the said Office to the ship in which it is to be exported: Provided always, that no such permit for exportation shall be granted, till the person applying for the same shall have produced the Port Clearance for the ship in which it is intended to export the said Opium, Chandoo or Opium Dross: and provided further, that the permits for landing and for exporting such Opium, Chandoo and Opium Dross shall specify the name of the ship, the name of the Owner of the Opium, Chandoo and Opium Dross, the quantity and description of the same, and the vessels or utensils containing the same, and the time of intended landing, or removal from the said Office; and any person committing a breach of any of the provisions of this Section, shall, on conviction thereof, be liable to a penalty not exceeding Two Hundred Dollars, and the Opium, Chandoo or Opium Dross shall be seized and forfeited.

Raw Opium or Chandoo arriving.

Notice to land.

Permit to land.

Notice to Farmer.

Deposit.

Notice to export.

Permit to export.

Notice to Farmer.

Proviso.

Port Clearance.

Specifications in permits.

Penalty.

Forfeiture.

12. Every person, who shall be desirous of exporting, or of selling for exportation, raw Opium, in any quantity less than one chest, shall deposit a chest containing the customary quantity, in the Office of the Registrar of Imports and Exports; and whenever such person shall apply for any portion of such Opium to be delivered to him, or to any purchaser thereof, for exportation, he shall deliver to the Registrar of Imports and Exports, or his Deputy, a written Bill of Particulars, in form of Schedule E to this Act annexed, or to the like effect, expressing the quantity of Opium that is to be exported, and the name of the person who is about to export the same, and of the ship, and of the master, and of the place to which the same is to be exported, and the time of removal, and having also, in case the Opium mentioned therein is to be sold for exportation, the name of the purchaser written thereon; and the said Registrar, or his Deputy, shall thereupon cause the quantity of Opium specified in the Bill of Particulars, to be taken out of such chest, and delivered to the person, who is to export the same, and shall deliver to such person, without fee, a permit in form of Schedule F to this Act annexed, or to the like effect: and the said Opium shall be exported, in terms of the said permit, and such chest shall remain in the custody of the said Registrar, or his Deputy, until all the Opium contained therein shall have been exported, or sold, when the chest shall be destroyed: Provided that no such Opium shall be removed from the said Office till the person desirous of exporting the same, shall have furnished to the Opium Farmer of the Station, a copy of the said permit, and till after the Port Clearance for the ship, in which the same is intended to be exported, shall have been produced to the said Registrar, or his Deputy; and every person who shall commit a breach of any of the provisions, contained in this Section, shall be liable, on conviction, to a penalty not exceeding One Hundred Dollars.

Export of Opium less than one chest.

One chest to be deposited.

Bill of Particulars.

Delivery by Registrar.

Permit to export.

Chest emptied.

Proviso.

Notice to Farmer.

Port Clearance.

Penalty.

13. Every person who shall receive any such permit as aforesaid, for the exportation of any quantity of Opium less than one chest, and who shall not, upon receiving the same, within the time named therein, cause such Opium to be conveyed to and placed on board of the vessel mentioned in such permit, shall be liable, on conviction, to a penalty not exceeding Two Hundred Dollars, and the Opium, and the vessels and conveyances in which it is contained, shall be seized and forfeited.

Not exporting.

Penalty.

Forfeiture.

14. The foregoing provisions of this Act shall not apply to the sale of Opium for medicinal purposes by recognized Medical Practitioners, Chemists and Druggists.

Exemption.

Farm of Spirituous Liquors.

15. *Clause* 1.—Every person importing into any of the said Stations any Spirituous Liquors, shall, before landing the same, or any part thereof, deliver, or cause to be delivered, to the Registrar of Imports and Exports of the Station, or his Deputy, a Bill, in form of Schedule B to this Act annexed, or to the like effect, specifying the quantity and description of such Spirituous Liquors, the name of the ship, and the place where the same is intended to be stored, and the time when it is intended to be landed; whereupon the Registrar of Imports and Exports, or his Deputy, shall furnish, without fee, a permit, in the form of Schedule C annexed to this Act, or to the like effect, authorizing the Spirituous Liquors to be landed and stored, in terms of the Bill of Specifications; which permit shall include all the particulars required in the Bill of Specifications: Provided always, that if the said Spirituous Liquors, or any portion thereof, are intended for use, or consumption, in the premises of the importer, where they may be stored on importation, he shall, before receiving the permit, make a declaration in the form of Schedule I to this Act annexed, or to the like effect, signed by him, to that effect, and shall pay to the Spirit Farmer for the quantity so intended to be used, or consumed, the duty leviable under this Act.

Import of Spirits.

Bill of Specifications.

Permit to land.

Proviso.

Use on premises.

Payment of duty.

Clause 2.—When the permit for landing is received by the importer, he shall forthwith, and before landing, or removing, the Spirituous Liquors, or any portion thereof, furnish to the Spirit Farmer of the Station a copy of the said permit, and the Spirituous Liquors shall be landed and stored, in terms of the landing permit: any person offending against any of the provisions of this Section, shall be liable, on conviction, to a penalty not exceeding Five Hundred Dollars, and the Spirituous Liquors shall be seized and forfeited.

Landing Spirits.

Notice to Farmer.

Penalty.

16. Whenever any ship shall arrive at any of the said Stations, having on board Spirituous Liquors not entered on the ship's manifest, and not forming part of the ship's stores, or provisions placed on board by the owner, charterer, or other person, for the use of the officers, passengers and crew of such ship; the master, supercargo, or other person having charge or control over such Spirituous Liquors shall, within twenty-four hours after the arrival of any such ship, cause the said Spirituous Liquors to be landed and stored in the Office of the Registrar of Imports and Exports, in the manner provided by Section 15 of this Act, for the landing of Spirituous Liquors, and such Spirituous Liquors shall remain in the said Office till the departure of the said ship, when they shall be exported in manner provided by Section 18 of this Act: Provided, however, that such Spirituous Liquors, or any portion thereof, may be sold, or removed from the said Office, subject to the provisions of this Act for the removal, sale and export of Spirituous Liquors, and for the payment of duty thereon; any person convicted of an offence, contrary to the provisions of this Section, shall be liable to a penalty not exceeding Two Hundred Dollars, and such Spirituous Liquors shall be seized and forfeited.

Spirits on board ships.

To be landed.

Exporting.

Proviso for sale.

Penalty.

Forfeiture.

17. Every Importer desirous of removing any Spirituous Liquors, from the place where they shall have been stored, on importation, shall apply in writing, in form of Schedule K to this Act annexed, or to the like effect, to the Spirit Farmer of the Station, stating the quantity and description of the Spirituous Liquors, the time of removal, the place to which they are to be removed, and the person or persons into whose premises they are to pass, and except when the Spirituous Liquors are to be removed for exportation, as is next hereinafter provided, shall pay, or cause to be paid, to the said Spirit Farmer, the sum of fifty cents of a Dollar for every gallon of such Spirituous Liquors, and if in bottles, the sum of fifty cents of a Dollar for every four quart bottles, or eight pint bottles, and a proportionate sum for any lesser quantity; whereupon the said Spirit Farmer, if the application is made between the hours of six in the morning and six in the evening, shall deliver to such person, without fee, a written permit to remove the same, in the form of Schedule L to this Act annexed, or to the like effect.

Removal of Spirits from place of Import storing.

Application to Farmer.

Payment of duty.

Permit for removal.

18. Whenever it is intended to export any Spirituous Liquors from any of the said Stations, the intending exporter shall furnish to the Registrar of Imports and Exports of the Station, or his Deputy, a Bill, in the form of Schedule E to this Act annexed, or to the like effect, specifying the quantity and description of the Spirituous Liquors, the owner's name, the name of the ship and of the place to which they are to be exported, and the time of removal; whereupon the Registrar of Imports and Exports, or his Deputy, shall furnish a permit, without fee in the form of Schedule F to this Act annexed, or to the like effect, containing the particulars above required, authorizing the said Spirituous Liquors to be exported by the said applicant; who shall forthwith, and before removing the said Spirituous Liquors, supply to the Spirit Farmer of the Station, a copy of the said permit.

Export of Spirits.

Bill of Specifications.

Permit to export.

Notice to Farmer.

Provided always, that if the quantity of Spirituous Liquors to be exported do not exceed three dozen quart bottles, or six dozen pint bottles, it shall not be necessary to apply to the Registrar of Imports and Exports for his permit; but application, as hereinbefore provided, shall be made to the Spirit Farmer, who, in such case, shall grant his permit, in the form above described, without payment of duty, for the removal of the

Farmer's Permit for three dozen.

said Spirituous Liquors to the ship in which they are to be exported. Provided further, that the Spirit Farmer shall not be required to grant such permit for exportation till the Port Clearance of the ship in which the Spirituous Liquors are to be exported, shall be produced to him; and provided further, that in the event of any person being desirous of exporting Spirituous Liquors on which the Farmer's duty has already been paid, on proof of such payment, by the person applying, the Spirit Farmer shall refund to the exporter the amount of duty which may have been paid on the quantity of Spirituous Liquors so to be exported, and shall issue his permit for the exportation thereof; and any person, to whom such refund shall have been made, neglecting or omitting to cause the said Spirituous Liquors to be exported, in terms of the said permit, shall be liable, on conviction, to a penalty not exceeding Five Hundred Dollars, and the said Spirituous Liquors shall be seized and forfeited.

Proviso.

Port Clearance.

Proviso.

Duty already paid.

Proof.

Refund.

Not exporting.

Penalty.

Forfeiture.

19. Every person, except as hereinbefore provided in Section 17 of this Act, desirous of removing Spirituous Liquor from one place to another, or from the possession of one person to that of another person, shall apply in writing, in the form of Schedule M to this Act annexed, or to the like effect, to the Spirit Farmer of the Station, stating the quantity and description of Spirituous Liquors, the place to and from which they are to be removed, and the person from and to whose possession they are to be removed, and the time of removal; whereupon the said Spirit Farmer shall grant his permit, in the form of Schedule N to this Act annexed, or to the like effect, without payment of any fee, for the removal: Provided the duty leviable on the said Spirituous Liquors shall have been already paid to the Spirit Farmer of the then current year; the onus of proof of which payment shall rest with the person applying for the permit.

Subsequent removal of Spirits.

Application to Farmer.

Farmer's permit.

Proviso for duty.

Proof of payment.

20. Any person convicted of having landed or exported, or removed, any Spirituous Liquor, contrary to the provisions of this Act, shall be liable, on conviction, to a penalty of One Hundred Dollars for the first offence; to Two Hundred Dollars for the second offence; and Four Hundred Dollars for the third and every subsequent offence; and the Spirituous Liquors and the vessels in which they are contained, shall be seized and forfeited.

Illicit landing, or exporting, or removing Spirits.

Penalty.

Forfeiture.

21. If the Spirit Farmer shall refuse, on application, as hereinbefore provided, to grant his permit for the exportation, or removal, of any Spirituous Liquors, the person requiring such permit, may apply, in writing, to any Justice of the Peace, furnishing him with a copy of the application made to the Spirit Farmer, and such Justice of the Peace, on security being given to his satisfaction for the amount of duty leviable under the provisions of this Act, on the quantity of Spirituous Liquors intended to be removed, shall issue his order, in the form of Schedule O to this Act annexed, or to the like effect, under his hand and seal, authorizing the removal of the Spirituous Liquors, and for which order a fee of One Dollar shall be paid by the applicant, and if the said Farmer shall thereafter be convicted of an offence under the next succeeding Section of this Act, such fee shall be refunded by the said Farmer.

Farmer refusing permit.

Application to Justice of the Peace.

Security for duty.

Order of Justice of the Peace.

Fee for order.

22. The Spirit Farmers at each of the said Stations shall grant their receipt, in the form of Schedule P to this Act annexed, or to the like effect, for every sum of money received by them as duty, under the provisions of this Act, and any Spirit Farmer refusing, without good cause shown, to grant his permit for the exportation, or removal of Spirituous Liquors, under the provisions of this Act, or refusing to grant his receipt, as above required, shall be liable, on conviction, to a penalty not exceeding One Hundred Dollars.

Receipts by Farmers.

Refusing permit.

Penalty.

23. Any Justice of the Peace at any of the said Stations, on information lodged before him, on oath, by the Spirit Farmer of the Station, or his Agent, that he has reason to believe that Spirituous Liquors imported into the Station, have been removed from the place where the same may have been stored on importation, under the provisions of this Act, without payment of duty to the said Spirit Farmer, may issue his warrant, in the form of Schedule G to this Act annexed, or to the like effect, authorizing the said Spirit Farmer, or his Agent, to enter the place in which such Spirituous Liquors are, or shall have been, stored, and examine the same, and, if it appear that there is any deficiency in the quantity which ought, according to the landing permit of the Registrar of Imports and Exports, and the permits granted for the exportation and for the removal of Spirituous Liquors, to be found stored in such place, the person or persons in whose name the landing permit was issued by the Registrar of Imports and Exports, or his Deputy, may be summoned before any Justice of the Peace of the said Station, and, on proof to his satisfaction that there is a deficiency in the quantity of Spirituous Liquors, such person shall be liable to a penalty not exceeding Five Hundred Dollars, and shall pay to the said Spirit Farmer the duty leviable under the provisions of this Act,

Search Warrant.

Information on oath.

Warrant.

To examine Stores.

Deficiency.

Summons.

Penalty.

Duty.

on the deficiency: Provided always that such person shall not be held liable for any deficiency arising from leakage or breakage: and provided further, that the Spirit Farmer, or his Agent, in serving such warrant, shall be accompanied by a Police Officer of the rank of Inspector, at least.

Proviso. For leakage, &c. Proviso. Service of warrant.

24. From the passing of this Act, whoever being a manufacturer of sugar, or whoever being in charge of a place for the manufacture of sugar in the said Settlement, shall be desirous of having a Distillery at his sugar manufactory, for making, or distilling, or rectifying, or compounding Spirituous Liquors, shall apply in writing to the Commissioner of Police of the Station within which such sugar manufactory is situated, for a License; and in such application shall be inserted the name of the applicant, the situation of his manufactory, and the number and size of the stills he is desirous of keeping; and the Commissioner of Police shall grant such License, renewable every year, under his hand and seal, to the applicant, on payment of a fee of Ten Dollars: and such License shall be registered in the Police Office of such Station or place.

Sugar Distilleries. License. Fee. Registry.

25. No licensed Distiller shall be at liberty to sell to any person other than the Spirit Farmer of the Station, or to sell, send out of, or deliver from, his Distillery, for exportation, any Spirituous Liquors in a less quantity than one hundred and sixty imperial gallons, or, if in bottles, in a less quantity than fifty dozen of quart bottles, or one hundred dozen of pint bottles; and every licensed Distiller who shall sell, send out, or deliver, or permit to be sold, sent out, or delivered from his Distillery, any Spirituous Liquors (except as aforesaid) shall, on conviction, for every such offence, be liable to a penalty not exceeding One Hundred Dollars: and such Spirituous Liquors and the vessels in which the same are contained, shall be seized and forfeited.

Distiller, selling, &c. Selling, &c., for exportation. 160 gallons. Penalty. Forfeiture.

26. Every person, other than the Spirit Farmer, or a licensed Distiller, who shall make, or distil, or rectify, or compound, any Spirituous Liquors, or shall knowingly keep, or have in his possession, any still, or other utensil or apparatus, or part of such still, utensil or apparatus, for distilling or making, or rectifying, or compounding Spirituous Liquors, shall, on conviction, for every such offence, be liable to a penalty not exceeding One Hundred Dollars: and all such Spirituous Liquors, and every such still, or other utensil or apparatus, or portion of such still, utensil or apperatus, shall be seized and forfeited, but nothing contained in this or any other Section of this Act shall be construed to extend to distillations for medicinal or scientific purposes.

Illicit distillation. Having still in possession. Distilling. Penalty. Forfeiture. Exemption.

27. Every person, other than the Spirit Farmer, or persons duly licensed under the provisions of this Act, for the sale of Spirituous Liquors, who, within the said Settlement, shall sell or purchase, except for exportation, any Spirituous Liquors, on which the duty leviable under this Act shall not have been paid to the Spirit Farmer, and every person as aforesaid, who shall knowingly have in his possession, custody or control, any Spirituous Liquors, sold or purchased, without such payment of duty, shall be liable, on conviction, to a penalty not exceeding One Hundred Dollars for the first offence; and Two Hundred Dollars for the second offence; and Four Hundred Dollars for the third and every subsequent offence, and the Spirituous Liquors with the vessels in which they are contained shall be forfeited: Provided that it shall be incumbent on the person in whose possession any Spirituous Liquor shall be found, to show that the duty leviable under this Act has been paid to the Spirit Farmer.

Dealing in Spirits illicitly. Having in possession. Penalty. Forfeiture. Proviso onus of proof

28. All Spirituous Liquors, imported, landed, removed in, or exported from any part of the said Settlements, on account of Her Majesty's Government, are exempt from the operation of this Act.

Exemption for Government.

Farm of Toddy and Bhang.

29. Every owner, renter or occupier of lands within the said Settlement, producing Toddy and Bhang, shall cause the said lands to be registered at the Office of the Collector of Land Revenue of the Station, and shall furnish to the said Collector a statement, in writing, describing the locality of the said lands, and containing full particulars as to the number of trees used for producing Toddy, and the extent of ground cultivated with Bhang, and from time to time as alterations take place in the numbers of such trees, and in the extent of ground so cultivated with Bhang, shall report such alteration to the said Collector, who shall cause the said particulars to be entered in a Book, to be kept for that purpose in his Office, which Book shall, at all reasonable times, be open to the Toddy Farmer, or his Agent, without fee in that behalf: and any person convicted of an offence against the provisions of this Section, shall be liable to a penalty of One Hundred Dollars: Provided further, that, on the trial of any person charged under this Section, the production of an extract from the said Book of Registry, signed by the said Collector of Land Revenue, or his Deputy, shall be proof of the facts stated in the said extract till the contrary be shown by the person charged, and the omission of full and correct entries relating to the lands as to which the charge is made shall be proof against the owner, renter or occupier, that such lands have not been so registered.

Registry of Toddy and Bhang lands. Particulars. Registry Book. Inspection of Book. Penalty. Proviso for proof.

30. Any Justice of the Peace on the information on oath of the Toddy Farmer of the Station, or his Agent, that there is good reason to believe that Toddy or Bhang is produced on lands in the said Settlement, not duly registered under Section 29 of this Act, may issue his warrant, in the form of Schedule G to this Act annexed, or to the like effect, authorizing the Toddy Farmer, or his Agent, accompanied in either case by a Police Officer, to enter in and examine such lands, and the Toddy Farmer may apply to any Justice of the Peace for a summons against the owner, occupier or other person in charge of such lands, if not registered, or the person in whose name such lands are registered, to appear at the Police Court at the Station, to answer any charge under Section 29 of this Act, and any person so summoned to appear, on being convicted of an offence against Section 29 of this Act, shall be liable to punishment, as is provided by the said Section: Provided that such Justice of the Peace may issue his warrant, either before or after the issue of such summons, to compel the appearance of any person charged on the information on oath of such Toddy Farmer, or his Agent, with having committed an offence against Section 29 of this Act.

Search Warrant. To examine lands. Summons. Penalty. Proviso.

31. No person, other than the Toddy Farmer of the Station, shall import or export any Toddy or Bhang into or from the said Station, except in the case of imports for sale to the Toddy Farmer of the Station: and any Toddy or Bhang imported into any of the Stations, shall be at once taken to the principal shop of the Toddy Farmer at the Station, and there sold or delivered to such Toddy Farmer at such price as may be fixed from time to time by the Local Government: Provided always, that if the Toddy Farmer shall refuse to purchase any Toddy or Bhang so imported, the importer shall forthwith export the same: Any person committing a breach of the provisions of this Section, shall be liable, on conviction, to a penalty not exceeding one Hundred Dollars, and the Toddy or Bhang found with such person shall be seized and forfeited.

Import of Toddy and Bhang. Price. Proviso. Export again. Penalty. Forfeiture.

32. Every person, within the said Settlement, who shall sell, or offer for sale, except to the Toddy Farmer of the Station, and every person as aforesaid, who shall purchase from any person other than the Toddy Farmer of the Station, of the then current year, or from a licensed Toddy Shop-keeper of the then current year, or who shall knowingly have in his possession any Toddy or Bhang, not purchased by him from such Toddy Farmer, or Registered Toddy Shop-keeper, the burthen of proof of which purchase shall rest on the person charged, shall be liable, on conviction, to a penalty not exceeding one Hundred Dollars, and all such Toddy or Bhang shall be seized and forfeited.

Dealing in Toddy or Bhang. Having in possession. Burthen of proof. Penalty. Forfeiture.

Places of Public Entertainment where Spirituous Liquors are sold, to be used on the Premises.

33. All Hotels, Inns, Taverns, Eating-Houses, Punch-Houses, and other houses of Public Entertainment in any of the Stations of the said Settlement, in which it is desired to sell Spirituous Liquors, and which are already licensed under any Act of the Legislative Council of India for regulating such places, shall be registered, in a Book to be kept for that purpose, by the Commissioner of Police of the Station, yearly, in the last ten days of the month of April, or at such other time as may be directed by the Local Government: And such Commissioner of Police shall grant a license, in the form of Schedule H to this Act annexed, or to the like effect, to the person desirous of opening or keeping such place of Public Entertainment, authorizing such person to sell, by retail, Spirituous Liquors, under the provisions of this Act, so that the same be used or consumed in the licensed houses in which they may be purchased; and the said licensed houses may be classed by the Commissioner of Police, with the sanction of the Local Government, in three classes, according to the importance of the establishment, and the quantity of Spirituous Liquors likely to be consumed therein, and for such Licenses, a fee shall be paid, yearly, as follows: that is to say,—

Hotels, &c., to be registered. License to sell for consumption on premises. Three classes. Fees.

For a 1st Class House	...	...	Dollars	100
„ 2nd „	...	...	„	75
„ 3rd „	...	...	„	50

and any person, after the 30th day of April in each year or such other time as may be fixed, by the Local Government, for the determination of the Spirit Farmer's privileges, selling Spirituous Liquors in such houses, without having first obtained a License for the year, as required by this section; and any person selling or buying Spirituous Liquors in such houses, and taking the same away from such houses, or allowing the same to be so taken away, shall be liable, on conviction, to a penalty not exceeding Fifty Dollars, and the said Spirituous Liquors shall be seized and forfeited.

Penalty. Forfeiture.

Licensed Shops for sale of Exciseable Articles.

34. All houses, or shops for the retail sale of Opium, Chandoo, Spirituous Liquors, Toddy and Bhang, shall be registered in a Book, to be kept for that purpose by the Commissioner of Police at each of the said Stations, who shall, subject to the sanction of the Local Government, grant to the applicant a license, under his hand and seal in

Licensed shops to be registered. Licenses.

form of Schedule Q to this Act annexed, or to the like effect, for each shop so to be used, in such numbers and in such situations, as he shall, with the sanction of the Local Government, determine: and before granting any such license, the Commissioner of Police, or his Deputy, shall cause to be read over and explained to the applicant the Rules and Regulations next hereinafter provided for, and the said applicant shall sign his name or make his mark in the presence of the said Commissioner, or his Deputy, in the Book in which the said Rules and Regulations are inscribed, in acknowledgment that the said Rules and Regulations have been read over and explained to him: and a printed copy of such Rules and Regulations shall be posted in a conspicuous place in every such licensed shop: and any person opening or keeping a house or shop, for such purpose without such license, or committing a breach of such Rules and Regulations, shall be liable, on conviction, to a penalty not exceeding One Hundred Dollars.

Numbers and situations.

Acknowledgment of Keeper.

In Book of Rules.

Copy of Rules.

Penalty.

35. The Commissioner of Police, at each of the said Stations, shall, from time to time, with the sanction of the Local Government, draw up and publish Rules for the better management of such houses or shops, and maintaining order therein, the times for opening and shutting the shops, and the signboards or other distinctive marks to be affixed to such houses or shops; and it shall be lawful, at all times, for the Commissioners of Police, their Deputies, and all superior Officers of Police, to be named by the Commissioner in the Rules to be published by them, to enter, without warrant, any of the said licensed houses or shops, purporting to be so licensed, and to arrest and take into custody, without warrant, any persons found in such houses armed, or making a disturbance, or gambling, or committing any breach of the peace: and any person so found armed, or making a disturbance, or gambling, or committing a breach of the peace, shall, on conviction, be liable to a penalty not exceeding Fifty Dollars. A fee of Ten Dollars shall be charged for every such license, to be paid by the person applying therefor, together with such reasonable sum as may be sufficient to cover the cost of the signboard, or other distinctive mark to be supplied to the said shop-keepers by the Commissioner of Police as aforesaid; such charge to be fixed by the Commissioners of Police, with the sanction of the Local Government.

Rules to be framed.

Particulars.

Police visits.

Arrest of

Armed persons, Disturbers, Gamblers, Breakers of the Peace.

Penalty.

Fee for License.

Cost of signboards.

36. The Commissioner of Police at each of the said Stations, with the sanction of the Local Government, may cancel the license of any person licensed to keep a shop, under the provisions of this Act.

Cancelment of license.

37. Any keeper of a licensed shop under this Act, knowingly permitting gambling to be carried on in his shop, or knowingly permitting armed persons to be in his shop, shall be liable, on conviction, to a penalty not exceeding One Hundred Dollars.

Gambling.

Armed persons.

Penalty.

38. Every keeper of an Opium Shop, Spirit Shop, or Toddy Shop, licensed under Section 34 of this Act, who shall sell, or knowingly have in his possession, any Opium, Chandoo, Spirituous Liquors, Toddy or Bhang, which shall not have been purchased from the respective Farmers of the Station, proof of which purchase shall rest with the person charged, shall be liable, on conviction, to a penalty not exceeding One Hundred Dollars, and the Opium, Chandoo, Spirituous Liquors, Toddy or Bhang, shall be forfeited.

Excisable articles not purchased from Farmers.

Proof.

Penalty.

Forfeiture.

39. Every Farmer, under this Act, and every keeper of any house or shop, registered under this Act, who shall sell, or exchange Opium, or Chandoo, or Opium Dross, Spirituous Liquors, Toddy or Bhang, otherwise than for the coin usually current within the said Settlement, shall forfeit a penalty not exceeding Twenty-five Dollars.

Selling, except for coin.

Penalty.

40. Every person within the said Settlement, who shall deliver to any servant or labourer, any Opium, Chandoo, Opium Dross, Spirituous Liquors, Toddy or Bhang, in consideration of wages or hire due to such servant or labourer, shall forfeit a penalty not exceeding Fifty Dollars.

Exchange for servants' wages.

Penalty.

41. Any Farmer, or person licensed under this Act, who shall knowingly sell, or deliver to any European or Native Soldier, any Opium, Chandoo, or Opium Dross, Spirituous Liquors, or Toddy or Bhang, without having an authority in writing from the Commanding Officer of such Soldier, shall be liable, on conviction, to a penalty not exceeding Fifty Dollars.

Sale to Soldiers.

Penalty.

42. Any person in the said Settlement selling, or offering for sale, Spirituous Liquors, or Toddy, adulterated or compounded in such a manner as to be injurious to health, shall be liable to a penalty not exceeding One Hundred Dollars, and all such injurious articles shall be destroyed.

Adulterated Spirits or Toddy.

Penalty.

Destruction of articles.

43. Any Farmer under this Act who shall, either by himself or by the means of any other person, take from any person who may have committed, or be suspected of having committed a breach of any of the provisions of this Act, any sum of money, or any goods or chattels,

Compounding for offences.

or other consideration whatsoever, as a compromise, reward or payment, for not prosecuting such person for such offence, shall be liable, on conviction, to a penalty not exceeding Two Hundred Dollars.

Penalty.

44. No Farmer, or Keeper of a licensed shop for the sale of exciseable articles under this Act, shall sell any exciseable articles near the end of the term of the exclusive privilege of the Farmer, or at any time during such exclusive privilege, so as in either case to authorise the use, by the purchaser, of such exciseable articles at any time after twelve o'clock at noon of the second day of May of each year, or thirty-six hours after such other time as may be fixed for the termination of the exclusive privilege of the Farmer: and any person found with any exciseable articles in his possession which have not been purchased from the Farmer of the term in which the time of seizure of such articles shall happen to be, except for thirty-six hours after expiry of such term as aforesaid, shall be liable to all penalties and forfeitures to which a person may be liable under this Act, if such articles had not been purchased from a Farmer or licensed shop-keeper.

Sale by outgoing Farmers near end of term.

Articles found sold contrary to this Section.

Penalties and forfeitures.

License and Permit Fees.

45. All fees received for registering licenses to keep Opium Shops, under this Act, shall be paid to the Opium Farmer for the time being; and all fees received for registering licenses to keep Spirit Shops and Distilleries and Houses of Entertainment, registered under this Act, for the sale of Spirituous Liquors, and for fees, and permits to remove Spirituous Liquors, under this Act, shall be paid to the Spirit Farmer for the time being; and all fees received for registering Licenses to keep Toddy Shops for the sale of Toddy and Bhang under this Act, shall be paid to the Toddy Farmer for the time being: and all fines and penalties whatsoever, received under this Act, shall, after the adjudication, at the discretion of the Justices of the Peace or Magistrates, of a portion of such fines and penalties to the informer, be paid into the Municipal Fund, established under Act No. XXVII of 1856 *(for appointing Municipal Commissioners, and for levying rates and taxes, in the several stations of the Settlement of Prince of Wales' Island, Singapore and Malacca)*, or that may be established by any future Act, of the Station at which such fines and penalties shall be imposed, to be applied to the general purposes of the said Act: and all articles subject to restriction, under this Act, seized and forfeited, when the same shall not be ordered to be destroyed as unwholesome, shall be given to the Farmer prosecuting the case.

Fees for Licenses to Farmers.

Fines and Penalties.

Informer's share. Municipal Fund.

Forfeitures for Farmers.

Revenue Officers.

46. The Commissioner of Police at each of the Stations in the said Settlement may grant his warrant, in form of Schedule R to this Act annexed, or to the like effect, to such Agents or servants of the several Farmers named in this Act, as may be approved of by the said Commissioner of Police, with the sanction of the Local Government, to act as Revenue Officers at the Station in which they be appointed: and no persons, except those so appointed, and except the members of the Police Force enrolled under the provisions of Act No. XIII of 1856 *(for regulating the Police of the towns of Calcutta, Madras and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore and Malacca)*, or any Act to be hereafter passed to the same effect, shall be competent to act as Revenue Officers under this Act: and such warrants may at all times be withdrawn by the Commissioner of Police, with the sanction of the Local Government, and any person, other than a Police Officer, assuming to act as a Revenue Officer, under this Act, and not holding such warrant, shall be liable, on conviction, to a penalty not exceeding Fifty Dollars. The names and places of residence of every Revenue Officer so appointed, shall be posted in a conspicuous place at the Police Courts of the Station.

Warrants to act.

To approved persons.

Acting without warrant.

Police Officers.

Withdrawing of warrant.

Penalty.

Names to be posted.

47. Every Revenue Officer appointed under this Act, shall be supplied, at the expense of the Farmer requiring his appointment, with a brass plate or staff, bearing such sign or mark of office, as may be directed by the Commissioner of Police, with the sanction of the Local Government: and before acting against any person, under the provisions of this Act, every such Revenue Officer, shall declare his office and produce to the person against whom he is about to act, his said sign or mark of office. Every Police Officer, acting under the provisions of this Act, if not in the uniform proper to his service, shall, in like manner, declare his office and produce to the person against whom he is about to act, such part of his public equipment as the Commissioner of Police shall have directed, or may direct, to be carried by Police Officers when employed in secret or special service: and any person who shall, after production of such sign or mark, or equipment of office, obstruct any such Police or Revenue Officer in the exercise of his duties under this Act, shall be liable, on conviction, to a penalty not exceeding Fifty Dollars.

Badges for Revenue Officers.

Rules for acting.

Revenue Officers.

Police Officers.

Obstructing Officers.

Penalty.

48. Any person, who, as aforesaid, shall assault or beat any such Police or Revenue Officer, while so, as aforesaid, in the execution of his duty, under the provisions of this Act, shall be liable, on conviction, to a penalty not exceeding One Hundred Dollars: and it shall be lawful for such Officers so resisted to oppose force to force and to execute their office or duty.

Assaulting Officers.

Penalty.

Opposing force to force.

49. Every Police or Revenue Officer, who shall extort, or attempt to extort, or take from any person, any money or valuable consideration as a bribe, under pretence of this Act: and every person who shall offer to any Police or Revenue Officer any such bribe, and every Police or Revenue Officer who shall, maliciously and without reasonable grounds, arrest or detain any person under the provisions of this Act, or who shall not, with the least practicable delay, take any person so arrested before some Justice of the Peace for examination, shall be liable, on conviction, to a penalty not exceeding Fifty Dollars.

Extortion. Bribery. Malicious charges. Delay in going before Justice of the Peace. Penalty.

Procedure.

50. Any Justice of the Peace within the said Settlement may, by his warrant, in the form of Schedule S to this Act annexed, or to the like effect, directed to any Police Officer within the said Settlement, or to any Revenue Officer or Officers, appointed in manner hereinbefore mentioned, empower him by day or by night (but if between the hours of six o'clock in the night and six in the following morning, then such warrant to be executed by, or in the presence of, a Peace Officer), to enter and search any dwelling-house, shop, or other building, or place, or any ship lying, or being within the local limits of the jurisdiction of the Court of Judicature in any case, in which there shall appear to such Justice of the Peace, upon the oath of any person, good and sufficient cause to believe that, in any such dwelling-house, shop or other building, or other place, or on board any ship, lying or being within the local limits of the jurisdiction of the said Court, is concealed or deposited any article subject to forfeiture under this Act: and to take possession of any such article found to be concealed or deposited therein, and of all utensils used for preparing Chandoo, or plainly intended for such use, and all stills, or other apparatus used for distilling Spirituous Liquors, or portions of stills or apparatus plainly intended for such use, and to arrest and take any person or persons being in such dwelling-house, shop or building, or other place, or on board any ship, lying or being within the local limits aforesaid, in whose possession, custody or control, any such article may be found, or whom the said Officer or Officers may have good and sufficient reason to suspect have concealed or deposited therein any such article, and any Officer to whom such warrant shall be directed, may, in any case of resistance, break open any outer or inner doors of such dwelling-house, shop or other building, or other place, and enter thereinto, and forcibly enter any ship, lying or being within the local limits aforesaid, and remove by force any obstruction to such entry, search, seizure and removal as aforesaid: Provided always, that all informations to be laid, and all warrants to be issued, and all arrests and seizures to be made under this Act, may be had or done on a Sunday, as well as on any other day.

Search Warrants. To Police Officer. To Revenue Officer. By day-light. On land. At sea. Information. Contraband articles. Utensils. Arrest on suspicion. Break open doors. Entry on ship. Seizure.

51. If any person shall be found committing any act in breach of this Act, or if any Peace or Revenue Officer shall have probable cause to believe that any person has concealed upon his person any article subject to forfeiture under this Act, such Peace or Revenue Officer may immediately arrest such person, without a warrant, and shall thereupon immediately take such person before some neighbouring Justice of the Peace, who shall determine if there be reasonable grounds of suspicion, and such Justice of the Peace may direct such person to be immediately searched, and such Justice of the Peace, if he sees grounds for believing that an offence has been committed against the provisions of this Act, shall thereon admit the person so charged to bail, on his recognizance, in form of Schedule T to this Act annexed, or to the like effect, with such securities as to the said Justice of the Peace shall seem sufficient, to appear before him or some other Justices of the Peace or Magistrate of Police, at a Police Court at the Station, to answer the charge, and if the person so charged shall not give such security for his appearance, such Justice of the Peace shall issue his order in writing, in the form of Schedule V to this Act annexed, or to the like effect, directing the person so charged before him to be taken to the principal Police lock-up at the Station with any articles subject to forfeiture under this Act, found. or said to have been found with such person, and there to be kept till bail be given to the satisfaction of the same, or any other Justice of the Peace, for the appearance of such person, to stand his trial for the offence charged at a Police Court in the Station, and in the default of such bail, to be kept in the said lock-up till the trial of the offence: Provided that no person so kept for want of bail shall be detained for any period exceeding two days: and if any person who shall have entered into recognizance to appear as above, shall not appear, as required, the Justices of the Peace or Magistrate, before whom he was to have appeared, shall, on application, certify such non-appearance on the back of such recognizance, whereupon the sum thereby acknowledged to be due, shall be recoverable in the manner provided by this Act, for levying penalties.

Offences on view. Concealment on person. Arrest. Search by Justice of the Peace. Bail. Commitment in default of bail. Detention. Proviso, time of detention. Default of appearance. Summary procedure.

52. It shall be lawful for any Justices of the Peace or Magistrate, before whom a charge shall be laid against any person for a breach

Proceeding *ex parte*.

of any of the provisions of this Act, on being satisfied that a summons has been duly served on the person charged to appear to answer the charge, or in case the person charged shall have been admitted to bail, to appear, and in either case, such person shall not appear, according to the exigence of the summons or bail bond, and no sufficient cause shall be shown for such non-appearance, to proceed to the hearing of the charge, as if such person charged were present.

Remission of sentences.

53. It shall be lawful for the Local Government to direct the suspension and withdrawal of any charge or proceedings before any Justices of the Peace or Magistrate, under this Act, and to cancel and annul and reverse in whole or in part, any order, charge, conviction, or other proceeding under this Act, and to direct the refund of the whole or any part of any fine or penalty, and the restoration of the whole or any portion of any articles ordered to be forfeited to any person from whom the same may have been taken, and to remit the whole or any part of any sentence of imprisonment passed under this Act.

Convictions.

54. All penalties under this Act may be imposed on conviction of the offender, by confession of the offender, or by the oath of one or more witnesses, before two Justices of the Peace or a Magistrate of Police, at a Police Court in the Station: and in case of non-payment of any penalty imposed or forfeited under this Act, the convicting Justices or Magistrate may issue their Warrant of Distress, in the form of Schedule W to this Act annexed, or to the like effect, under their hands and seals, directed to any Peace Officer to levy the amount of such penalty, by seizure and sale of any goods of the offender which may be found within the jurisdiction of such Justices or Magistrate: and if no such property shall be found within such jurisdiction, then the aforesaid Justices or Magistrate, by warrant under their hands and seals, in the form of Schedule X to this Act annexed, or to the like effect, may commit the offender to prison, with or without hard labour, for any period not exceeding two calendar months, where a pecuniary penalty of Twenty-five Dollars shall be imposed, and in the same proportion for any greater penalty which shall be imposed: Provided always, that in case it shall appear to such Justices of the Peace or Magistrate, by the confession of the offender, or in any other manner, that he has no goods whereon to levy such distress, then and in every such case, it shall be lawful for such Justices of the Peace or Magistrate, if they shall deem it fit, instead of issuing such Warrant of Distress, by warrant under their hands and seals, in the form of Schedule Y to this Act annexed, or to the like effect, to commit the offender to prison, with or without hard labour, for any period not exceeding two calendar months, where a pecuniary penalty of Twenty-five Dollars shall be imposed, and in the same porportion for any greater penalty which shall be imposed: Provided always, that in no case shall the term of imprisonment exceed two years.

Warrant of Distress.

Commitment in default of distress.

Form of warrant of commitment.

Periods of imprisonment.

Commitment without distress.

Warrant of commitment.

Commutation of penalties.

Form of conviction not to be quashed for formal defects, &c.

55. All convictions under this Act may be in the form of Schedule Z to this Act annexed, or to the like effect, and no conviction or order shall be quashed or set aside for want of form or otherwise, and no warrant of commitment shall be held void, by reason of any defect therein: Provided it be alleged therein that the party charged has been convicted of the offence and to the punishment set out in the warrant of commitment: Provided there be a conviction as aforesaid to that effect, and no conviction or order under this Act shall be removed by *certiorari*, or otherwise, into the Court of Judicature, except as next hereinafter mentioned.

Certiorari.

Appeal.

56. If any person shall feel himself aggrieved by any adjudication made by such Justices of the Peace or Magistrate of Police, such person shall, within one week from the day of the said adjudication, give notice, in the form of Schedule AA to this Act annexed, or to the like effect, to the Justices of the Peace or Magistrate, who shall have adjudicated, and to the opposite party of his intention to appeal, stating in such notice the grounds of appeal, whereupon the said Justices of the Peace or Magistrate shall cause a transcript of the proceedings, including the charge, the evidence, and the adjudication, conviction, or order, to be drawn up in the form of Schedule BB to this Act annexed, or to the like effect, and as soon as reasonably convenient to be transmitted, certified under their hands and seals, to the Court of Judicature at the Station: Provided always, that no such proceedings in appeal shall be allowed, till the person desiring to appeal, shall have lodged a sum sufficient to cover the costs of preparing the transcript, not exceeding the sum of six cents per folio of ninety words, contained in the said transcript, and shall have given security to the satisfaction of the said Justices of the Peace or Magistrate, in any sum not exceeding Two Hundred Dollars to answer for the costs of the said appeal, to be taxed by the proper Officer of the said Court of Judicature, and further security for the due payment of any penalty adjudicated or to be adjudicated in appeal against the person desiring to appeal: and provided further, that if any person desiring to appeal, shall have been sentenced to imprisonment, with or without hard labour, it shall be lawful for the said Justices of the Peace or Magistrate, to have brought before them in custody, such person, by their order, in form of Schedule CC to this Act annexed, or to the like effect, under their hands and seals addressed to the Sheriff of the said Settlement, or to the Keeper of the Jail or House of Correction, or other place in which such

Week's notice.

Grounds of Appeal.

Transcript to be sent to Court of Judicature.

Deposit for costs of transcript.

Security for costs.

Security for judgment.

Respite of sentence.

Order to bring up persons in prison.

person may be confined, who shall thereupon produce or cause to be brought before the said Justices of the Peace or Magistrate of Police, the person required by the said order to be produced before them, and they shall admit such person to bail, on good and sufficient security being given to their satisfaction, for the surrender of such person after the hearing of the appeal, to undergo his said sentence, or to pay his penalty and costs, or to be discharged: and if any person so bound over to appear, shall not thereafter, in pursuance of the terms of the bail bond, so appear and undergo the sentence or pay the penalty and costs required, such recognizance may be forfeited by any Justices of the Peace or Magistrate of Police, sitting at the said Court, and on such non-appearance being certified on the back of the said bail bond, the amount thereof shall be levied on the goods and effects of the defaulter and his sureties in the manner provided by this Act for the levy of fines and penalties, and such security for costs or for the payment of any penalty shall be in the form of Schedule DD to this Act annexed, or to the like effect.

Bail.

Default of appearance.

Summary procedure.

Form of security.

57. On the transmission of the said transcript, the said appeal shall be entered on the list of cases for trial on the civil side of the said Court, and shall be disposed of with the other business before the said Court, subject to such rules, as to time and order of hearing, as may from time to time be made by the Judges of the said Court. The Judges of the said Court shall give judgment in the said appeal after hearing the parties, or their Advocates or Law Agents, and may affirm or reverse or alter the adjudication of the said Justices of the Peace or Magistrate, with or without costs to be paid, as shall be ordered by the said Judges, as justice may seem to require: Provided always, that the said Judges may order the witnesses examined or tendered for examination in the Police Court, in the cases on either side, to be further examined, if it shall appear to them to be necessary for the due determination of the appeal, and the Registrar of the said Court shall immediately, on the determination of the said appeal, certify under his hand and seal to the said Justices of the Peace or Magistrate, the judgment of the said Court on such appeal, whereupon the said Justices of the Peace or Magistrate shall forthwith put into execution the said judgment: Provided always, that no such adjudication shall be overruled or altered, by reason of defect of form in the charge, evidence, or adjudication or other proceeding, nor otherwise than on the merits of the case, so as substantial justice shall best be attainable and without reference to form.

Appeal to be entered on list.

Rules for hearing appeals.

Judgment of Court.

Costs.

Further evidence.

Registrar of Court to certify the judgment of Court.

Execution of judgment.

No appeal for mere defect of form.

58. On any trial before any Justices of the Peace or Magistrate, and in any proceedings on appeal in the Court of Judicature, relating in any of the above cases to any seizure of contraband articles under this Act, it shall be lawful for the Judges of the said Court and for the Justices of the Peace and Magistrate, and they are hereby respectively authorized and required, to proceed to trial and hearing of appeals on the merits of the case without reference to matters of form, and without enquiring into the matter or form of making any seizure.

Seizures not to be enquired into.

Trials to be on merits.

59. All actions and prosecutions against any person, which may be lawfully brought for any thing done under the provisions of this Act, shall be commenced within three months after the act complained of shall have been committed, and not otherwise; and notice in writing of such action, and of the cause thereof shall be given to the defendant, one month, at least, before the commencement of the action; and in every such action, it shall be expressly alleged in the petition of complaint, that the act complained of was done maliciously, and without reasonable or probable cause, and if at the trial of any such action, upon the general issue being pleaded, as hereinafter provided, the plaintiff shall fail to prove such allegation, he shall be nonsuited, or a verdict shall be given for the defendant.

Actions.

Limitation, three months.

Notice of action.

Malice.

Nonsuit.

60. The defendant in any such action may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought, by or on behalf of the defendant, and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue any such action, or if upon demurrer, or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs, as between attorney and client, and have the like remedy for the same, as any defendant hath by law in other cases; and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge, before whom the trial shall be, shall certify his approbation of the action, and of the verdict obtained thereupon.

Plea of general issue.

Evidence.

Tender of amends.

Payment into Court.

Judgment for defendant.

Full costs.

Judgment for plaintiff.

Judge to certify for costs.

61. All permits required to be granted by the Registrar of Exports and Imports, or any Farmer, and all licenses granted under this Act, shall be exempt from Stamp duties.

Stamp duties.

62. Any person who shall counterfeit, erase, alter or falsify any license authorized to be issued by this Act, or any permit required to be granted by this Act, or who shall alter or pub-

Counterfeiting Licenses and Permits.

lish as true, any such counterfeited, erased, altered or falsified license, knowing the same to be counterfeited, erased, altered or falsified, shall, on conviction thereof, in the Court of Judicature, be punished by imprisonment for any period not exceeding five years, with or without hard labour, or in the discretion of the said Court, shall be liable to a penalty not exceeding One Thousand Dollars.

Penalty.

63. The Schedules to this Act annexed, and the directions and forms therein contained, shall be deemed and taken to be parts of this Act, and the several blank spaces in the said forms shall be filled up, as required by the provisions of this Act relating thereto.

Schedules and Forms to be read as part of Act.

Blanks in forms.

Interpretation of Words.

64. *Clause* 1.—In this Act, unless there be something repugnant in the subject or context,—

Interpretation Clause.

"Local Government" shall mean the Governor of the Settlement or other person performing the duties of Governor at the Station in which the Governor or such other person may then be resident, and the Resident Councillors or other persons performing the duties of Resident Councillors at the Stations in which the Governor or such other person may not then be residing.

Local Government.

"Settlement" shall mean the Settlement of Prince of Wales' Island, Singapore and Malacca, with the places now or at any time hereafter to be subordinate or attached thereto, and shall include such portion of the sea along the shores of the said Settlement as may be within the local limits of the jurisdiction of the Court of Judicature of the said Settlement.

Settlement.

"Station" shall mean any one of the Stations of Prince of Wales' Island, Singapore and Malacca, and the places now or at any time hereafter to be subordinate or attached thereto, and shall include such portion of the sea along the shores of the said Station as is within the local limits of the jurisdiction of the Court of Judicature of the said Settlement.

Station.

"Court of Judicature" shall mean Her Majesty's Court of Judicature of the Settlement of Prince of Wales' Island, Singapore and Malacca, and the several Divisions thereof.

Court of Judicature.

"Opium" shall mean any kind of Opium not prepared for smoking, chewing or eating.

Opium.

"Chandoo" shall mean any preparation of Opium or any preparation in which Opium forms an ingredient, used for smoking, chewing or eating.

Chandoo.

"Chandoo Dross" shall mean Chandoo already used for smoking.

Chandoo Dross.

"Spirituous Liquors" shall include Spirits, or distilled waters intended for human consumption, and any liqueur or compound of Spirits with fruit, sugar, honey, or other sweet or bitter principle, or vegetable production.

Spirituous Liquors.

"Toddy" shall mean the juice prepared or unprepared of the cocoanut or other tree of the palm species.

Toddy.

"Bang" shall mean any intoxicating drug or vegetable production other than Opium used for smoking or eating as a stimulant or narcotic in its raw or prepared state, except medical preparations kept and administered by medical practitioners as medicines for the cure or relief of diseased persons.

Bang.

"Importer" shall mean the person who shall take or receive from on board any ship, whether lying within or without the jurisdiction of the Court of Judicature, and who shall bring or cause to be brought to land within the Settlement of Prince of Wales' Island, Singapore and Malacca, any articles subject to duty or restrictions under this Act, and shall also include any person who shall bring or cause to be brought into the said Settlement any such articles by land.

Importer.

"Chest of Opium" shall mean the package with the Opium contained therein, such as it is usually imported by merchants in the said Settlement.

Chest of Opium.

"Ship" shall include every kind of vessel used for the conveyance of persons or things on fresh or salt water.

Ship.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Number.

Words importing the masculine gender shall include females.

Gender.

65. This Act may be cited for all purposes as the Straits Excise Act of 1866.

Short title.

A.

EXCISE REVENUE.

Farmer's Contract.

(Farmer's name) having been declared to be the Farmer of for the term commencing on the day of 18 and ending on the day of 18 and he having offered as sureties for the due fulfilment of the terms of this Contract (or certain real (or personal) estate having been assigned by him to the Local Government as security by way of mortgage, under the provisions of the Act of 18 by the deed annexed to this Contract, or Dollars having been lodged in the Local Treasury by the said Farmer as a deposit). THIS CONTRACT between the Local Government and the said Farmer and his sureties and witnesseth, that all the rights and privileges of Farmer of under the provisions of Act No. of are hereby vested in the said for the aforesaid term. The said (Farmer) and his sureties and for themselves, their executors, administrators and assigns, do hereby covenant and agree to pay to the Local Government, without demand, the sum of Dollars monthly, on the last day of every month, commencing on the day of the month of 18 , and ending on the day of the month of 18 , as the rent of the said Farm, and further covenant and agree that the said Farmer shall well and faithfully observe, perform and fulfil the several provisions, conditions and stipulations contained in the said Act, so far as they relate to the management of the said Farm, or impose any duty or obligation on the said Farmer, in as full and ample a manner, as if the said provisions, conditions and stipulations had been incorporated in this Contract: And they further covenant and agree, that if the said rent or any part thereof be unpaid for the space of days after any of the days on which the same ought to have been paid, or in case of the breach of any of the provisions, conditions and stipulations of the said Act so far as they relate to the said Farm, or the said Farmer, then and in either of such cases, it shall be lawful for the Local Government to determine and put an end to the said rights and privileges and dispose of the same to other persons, and in the event of any loss arising therefrom, they further covenant and agree to make good the said loss to the Local Government: And they further covenant and agree that the said Farmer will make over to such person as may be invested with the rights and privileges of the Farm at for the term next after the term herein provided for, all the stock of exciseable articles, and the machinery and vessels required for preparing such exciseable articles, in the possession of the said Farmer at the end of the term herein provided for, at the marketable value of the said articles, machinery and vessels, and in the event of any difference arising as to the nature and quantity of articles, machinery and vessels so to be made over and the prices thereof, such difference shall be determined by three arbitrators, one to be appointed by the said Farmer, one by the person in whom the said rights and privileges may be vested, or intended to be vested, for the next succeeding term, and one by the Local Government, and the award of such arbitrators or a majority of them shall be final, and the said arbitration, or other settlement, shall be held at such time before the end of the said term, as to the Local Government may seem reasonable. It is further covenanted and agreed that all deposits, as well as all securities given by them, shall be held by the Local Government till all questions between the said Farmer and his sureties and and the Local Government shall be finally disposed of, including matters relating to the transfer of the aforesaid exciseable articles, machinery and vessels, to the incoming Farmer, and it shall be lawful for the Local Government on breach of any of the covenants in this Contract, such breach and the amount of penalty therefor to be held and proved by indorsement on the back of this Contract by the Local Government, stating the breach and the amount of penalty therefor, to sell and dispose of all or any of the deposits on securities made and given under this Contract, without notice to the said Farmer, or his sureties and and to nominate an Officer of the Local Government to execute all conveyances necessary for the transfer of any such securities, and out of the proceeds of such sale and disposition to satisfy and discharge any claims under this Contract against the said Farmer, and his sureties and when the Local Government, after satisfying all such claims, shall return to the said Farmer, the said deposits, or so much thereof as shall remain, and shall surrender all securities held, or the remainder of such securities, or of proceeds of sale of such securities, and this Contract shall be at an end: And it is further covenanted and agreed, that the rights and privileges hereby vested in the Farmer, shall not be assigned to any other person without the consent of the Local Government, and that such assignment, if so allowed, shall not be deemed to relieve the said Farmer and his sureties and from any liability under this Contract, and the said Farmer and his sureties,

and

do hereby bind themselves, and any one or two of them, their, and any one or two of their executors, administrators and assigns, in the sum of Dollars
for the due fulfilment by the said Farmer of this Contract.

Signed, Sealed, and *Delivered* at

this day of 18 by

for the Local Government,

and by Farmer and

sureties

In the presence of

STRAITS EXCISE REVENUE.

Form of Mortgage.

I
do hereby assign to the Local Government as security for the due fulfilment of the terms of the Contract for the Farm at for the term commencing the 1st day of 18 and ending the 30th day of 18 under the Straits Excise Act of 1866. All my right, title and interest in the land situate in the District of in and described in Government Grant or Lease No. dated the day of 18 and estimated to contain

and do hereby make over to the Local Government the Title Deeds of the said land. In the event of any breach of the covenants in the said Contract by the Farmer, no proof of which breach or of the amount of penalties, forfeitures, damages and losses arising therefrom, shall be required further than the indorsement of the same on the back of the said Contract, by the Chief Civil Authority in the said Settlement, I do hereby, for myself, my executors, administrators and assigns authorize the Local Government to sell, or otherwise dispose of the land hereby mortgaged, and out of the proceeds thereof to defray any penalties, forfeitures, damages and losses, or other liability to which by the said indorsement, the said Farmer shall have been declared liable, and the balance, if any, to be paid to me, my executors, administrators or assigns. And the Local Government is hereby authorized to appoint an Officer of Government to execute for me, my executors, administrators and assigns all conveyances and instruments necessary for the sale or transfer of the said lands.

In Witness whereof, I have hereunto set my hand and seal this day of in the year 18 .

Signed, Sealed, and *Delivered,*

In the presence of

B.

EXCISE IMPORTS.

Bill of Specification under Sections 6, 11, 15.

To the Registrar of Imports and Exports at

SIR,

Please to issue a Permit to land from the Ship (chests of Opium or gallons of Spirituous Liquors—name of Liquor, contained in casks—number of bottles—number and description of case or package Chandoo Opium Dross package) within the hours from till on the day of 18 to be stored in the (godown, shop or house) of No. in Street at or the Office of Registrar of Imports and Exports.

Yours, &c.,

Date *Importer.*

A copy of this Permit has been served on me.

(Opium) Farmer.

18

Singapore,

Date

C.

EXCISE IMPORTS PERMIT.

Under Sections 6, 11, 15.

(is) authorized within the hours from till on the day of 18 to land from the Ship (chests of Opium or gallons of Spirituous Liquors—name of Liquor, contained in casks—number of bottles and description of case or package Chandoo Opium Dross package) and (is) required to store the same in the (godown, shop or house) of No. in Street at or the Office of Registrar of Imports and Exports at

Registrar of Imports & Exports.

D.

EXCISE REVENUE—OPIUM.

Notice to remove under Section 6.

To the Registrar of Imports and Exports at

SIR,

Please to issue a Permit for the removal of chests of Opium (marks and numbers) imported from by and stored under your Permit dated the day of 18 in the godown, &c., of situate in at and afterwards removed to the godown, &c., of and thence to the godown, &c., of (as often as may be necessary to set out the several removals) from the godown, &c., of at to the godown, &c., of situate at in

Yours, &c.,

Date

E.

EXCISE EXPORTS.

Bill of Particulars under Sections 6, 11, 12, 18.

To the Registrar of Imports and Exports at

SIR,

Please to issue a Permit to export by Ship (chests of Opium or gallons of Spirituous Liquors—name of Liquor, contained in casks—number of bottles—number and description of case or package Opium, Chandoo Opium Dross), within the hours from till on the day of 18 to (destination) the said having been purchased by me from in whose (godown, shop or house) it is now stored (*or* the same being now stored in my godown, shop or house) at the same being now stored in your Office, and sold by me to who is desirous of exporting.

Yours, &c.,

Exporter.

Date

F.

EXCISE EXPORTS PERMIT.

Under Sections 6, 11, 12, 18.

A copy of this Permit has been served on me.

Farmer.

(is) authorized to export by Ship to (chests of Opium or gallons of Spirituous Liquors—name of Liquor, contained in casks—number of bottles—number and description of case or package Chandoo Opium Dross) within the hours from till on the day of 18 , the said (having been purchased by the exporter from the same being now stored in the (godown, shop or house of situated at the same being now stored in my Office) and sold to who is required to export in terms of this Permit.

Registrar of Imports and Exports.

Date

Date

G.

FORM OF SEARCH WARRANT.

Under Sections 8, 23, 30.

To the (Opium) Farmer or any Revenue Officer duly appointed under Act of or any Police Officer.

To Wit.

Whereas it appears to me, A B, one of Her Majesty's Justices of the Peace for the said Station, by the information on oath of that he hath good reason to believe and doth believe that (Opium or Spirituous Liquors) have been removed contrary to the provisions of this Act, from the (godown, store or house) of situated in (or that Toddy or Bang is now being grown and prepared contrary to the provisions of this Act, in the land of situated at).

These are, therefore, to authorize and require you, to enter in the day-time, with a Police Officer of this Station, of the rank of Inspector at least, the said and therein take an account in writing of all (Opium or Spirituous Liquors) found in the said (godown, store or house, or of all trees used for producing Toddy, and measure the quantity of land used for the growth of Bang), and thereafter bring before me, or some other of Her Majesty's Justices of the Peace at the said Station, at the Police Court, at the said account in writing within days, from the date hereof, and herein fail not.

Given under my hand and seal, at this day 18

(Signed)

Justice of the Peace.

H.

EXCISE REVENUE LICENSE.

Under Section 83.

A fee of Dollars (100) has been paid for this license.

Commissioner of Police.

(1st Class).

Keeper of Hotel, situated in at duly licensed under Act of is hereby authorized under the provisions of the Straits Excise Act of 1866 to sell Spirituous Liquors in the said (Hotel), so that the same be used and consumed on the premises.

(Signed)

Commissioner of Police.

Date

I.

EXCISE SPIRITUOUS LIQUORS.

Declaration by Importer under Section 15.

To the Spirit Farmer at

Take Notice, that of the quantity of
landed by me on the at
from the Ship and now stored in
I hereby declare gallons bottles
to be intended for use where stored and tender to you the sum of Dollars,
being for the duty payable on the same under Act of

Date *Importer.*

K.

EXCISE SPIRITS.

Notice to remove under Section 17.

To the Spirit Farmer at

Take Notice, that I desire to remove under Section 17 of the Straits Excise Act of 1866 gallons bottles of contained in imported by on the day of 18 ex-ship and now stored in at and I hereby tender to you payment of being the amount of duty chargeable on the same, and require from you a Permit for the removal of the same from ( ) to the godown, shop or house of situated at (or if duty already paid) the duty on the said having been already paid by the Importer (giving the name).

Yours, &c.,

Date *Importer.*

L.

EXCISE SPIRITS.

Permit to remove under Section 17.

(is) authorized to remove under Section 17 of the Straits Excise Act of 1866, from ( ) to ( ) gallons bottles of contained in (package) imported by on the day of 18 , ex-ship and now stored in at and I acknowledge to have received from the sum of Dollars being the amount of duty chargeable on the same.

Date *Spirit Farmer.*

M.

EXCISE SPIRITS.

Notice to remove under Section 20.

To the Spirit Farmer at

SIR,

Please to issue your Permit for the removal under Section 20 of Act of 1866, gallons, &c., cases containing bottles, &c., of (name of Spirituous

Liquors) imported and stored by in the godown of at and thence removed duty paid under your Permit, dated the day of 18 to the godown, &c., of at (state any further removals and dates of Farmer's Permits) where the said now lies, to the godown, &c. of at

Yours, &c.,

Date

N.

EXCISE SPIRITS.

Permit to remove under Section 20.

is hereby authorized to remove (state as in application) from the godown, &c., of at
to the godown, &c., of at
Duty on the said Spirituous Liquors having been paid by

Date *Spirit Farmer.*

O.

EXCISE SPIRITS.

To Wit.

Order to remove under Section 21.

Whereas application has been made to me, one of Her Majesty's Justices of the Peace for the said Station, for an order to remove (here state full particulars as required by Section 20) by (name of applicant) and whereas security to my satisfaction has been given by the said (applicant) for the amount of duty chargeable on the quantity of Spirituous Liquors intended to be removed. These are, therefore, to authorize the removal of (here state particulars) now stored in the godown of at to the godown of at there to be kept till further authorized to be removed under the provisions of the Straits Excise Act of 1866.

Given under my hand and seal, at this day of 18

Justice of the Peace.

P.

EXCISE SPIRITUOUS LIQUORS.

Receipt by Spirit Farmer under Section 22.

I hereby acknowledge to have received from the sum of Dollars being the sum payable as duty under the Straits Excise Act of 1866, for gallons bottles of declared to be for use where stored by the said in the godown of at

Date *Spirit Farmer.*

Q.

EXCISE REVENUE LICENSE.

Under Section 33.

A fee of Dollars has been received for this License.

Commissioner of Police.

is hereby authorized to keep a licensed shop for the sale of (Chandoo, &c., Spirituous Liquors or Toddy and Bang) at (No. Street Town (or in the village or district of) subject to the Rules and Regulations in that behalf, which Rules and Regulations have been read and explained to the said

Given at this day of 18 .

Commissioner of Police.

R.

EXCISE REVENUE.

Appointment of Revenue Officer under Section 45.

of in

is hereby, with the sanction of the Local Government, appointed to be a Revenue Officer, under the Straits Excise Act of 1866, and is hereby vested with all the rights, powers and immunities of such office under the provisions of the said Act.

Date *Commissioner of Police.*

S.

FORM OF SEARCH WARRANT.

Under Section 50.

To the Peace Officer or Officers within this Settlement, or to the Revenue Officer or Officers appointed according to the provisions of the Straits Excise Act of 1866.

To Wit. Whereas it appears to me, *A B*, one of Her Majesty's Justices of the Peace for the said *Station*, by the information on oath of *C D*, that he has good cause to believe and doth believe that articles, subject to forfeiture under the provisions of the Straits Excise Act of 1866, are concealed or deposited in the *dwelling house, shop, or other building, or place of E F or on board the ship* now lying or being within the limits of the jurisdiction of the Court of Judicature of the said *Settlement*. These are, therefore, in the name of our said Lady the Queen, to authorize and require you, with necessary and proper assistants, to enter in the day-time into the said *dwelling house, shop, or other building, or place of the said E F or on board the ship* now lying or being within the limits of the jurisdiction of the Court of Judicature in the said *Settlement*, and there diligently to search for the said articles, and also to authorize and require you, if a Peace Officer, and if not, in the presence of a Peace Officer, to enter in the night-time (that is to say, at any time between the hours of 6 o'clock in the evening and 6 in the following morning) in the said *dwelling house, shop, or other building, or place of the said E F or on board the ship* lying or being within the limits of the jurisdiction of the Court of Judicature in the said *Settlement*, and there diligently search for the said articles, and if the same shall be found upon such search, that you seize and take possession of the said articles so found, and also the body or bodies of any person or persons being in the said *dwelling house, shop, or other building, or place, or on board the ship* lying or being within the limits of the jurisdiction of the Court of Judicature in the said *Settlement*, in whose possession, custody or control any such articles may be found, or whom you may have good and sufficient reason to suspect had concealed or deposited therein any such article, and to bring the said articles and person or persons before me the said *A B* or some other of the Justices of our said Lady the Queen, assigned to keep the peace in the Settlement aforesaid, to be disposed of and dealt with according to law.

Given under my hand and seal at in the year

(Signed) A B,
Justice of the Peace.

T.

EXCISE REVENUE.

Recognizance under Section 51.

To Wit. Be it remembered that (person charged) and (sureties) appeared before the undersigned, one of Her Majesty's Justices of the Peace for this *Station*, and acknowledge themselves severally, as well as jointly, to be indebted to the Commissioner of Police at this *Station*, or his successor in office, in the sum of Dollars to be levied in a summary manner, by distress and sale of the goods and effects of the said severally, as well as jointly, under the provisions of Section 53 of the Straits Excise Act of 1866.

The condition of the above recognizance is such, that if the above bounden shall be and appear at the Police Court at on next, the

day of 18 to be further dealt with according to law, and shall not depart therefrom without leave till lawfully discharged or convicted, then this recognizance to be void and of no effect, otherwise to stand in full force and virtue.

Taken and acknowledged before me,

Date *Justice of the Peace.*

V.

WARRANT OF COMMITMENT.

Under Section 51 *of the Straits Excise Act of* 1866.

To Wit. } Whereas and have been brought before me, one of Her Majesty's Justices of the Peace for the Station by Revenue Officer appointed or by (a Police Officer) charged with (here state charge).

And whereas it appears to me that there is good reason to believe that an offence has been committed, for which the said ought to answer at the Police Court : and whereas the said has not found bail to my satisfaction to appear to answer the said charge :

These are, therefore, to authorize and require (the said Revenue Officer) to take the said (prisoners) to the principal Police Lock-up at there to be detained till (he) shall be brought before the Justices of the Peace, at the Police Court at to answer to the charge there to be preferred against (him) unless (he) shall before that time give bail to the satisfaction of any of Her Majesty's Justices of the Peace at this Station, for (his) appearance at the Police Court as aforesaid.

Witness my hand and seal, this day of 18

Justice of the Peace.

W.

FORM OF DISTRESS WARRANT.

Under Section 54.

To the Peace Officers, or to any Peace Officer of the said Station.

To Wit. } Whereas *A B* of has been on the day of 18 duly convicted before us (*C D* and *E F*, two of Her Majesty's Justices of the Peace, or *G H*, Magistrate of Police) for the said *Station* of the offence of

against the form of the Act of in that case made and provided, and was thereupon adjudged by us that he the said *A B* had forfeited the sum of Dollars for the offence aforesaid: and whereas the said *A B* being required to pay the said sum hath not paid the same, but therein has made default: These are to command you to distrain the goods and chattels of the said *A B* which may be found within this *Station*, to the amount of the said sum, and such further sum as may be sufficient to defray the charges of making such distress, and if within five days next after such distress, the said sum, together with the reasonable charges for taking and keeping the said distress, shall not be paid, to sell the said goods and chattels, and having paid out of the money arising by such sale the said sum of Dollars to us to be applied, according to the provisions of the said Act of

and having deducted the necessary charges for taking, keeping and selling the said distress, to return the overplus, if any, on demand to the person whom you shall find in possession of the said goods and chattels; and if no such distress can be made that then you certify the same unto us to the end that such further proceedings may be had thereon as to the law doth appertain.

Given under our hands and seals, this day of 18

C D,
E F,
Justices of the Peace,
or
G H,
Magistrate of Police.

X.

FORM OF COMMITMENT WHEN IT APPEARS THAT THE OFFENDER HAS NO GOODS WHEREON TO LEVY A DISTRESS.

Under Section 54.

To the Peace Officers, or any Peace Officer, and the Keeper of the Prison of the said Station, or Keeper of the House of Correction at the said Station.

To Wit. Whereas *A B* of was on the day of 18 , duly convicted before us, *C D* and *E F*, two of Her Majesty's Justices of the Peace, or *G H*, Magistrate of Police for the said *Station*, of the offence of

against the form of Act of in that case made and provided, and was thereupon adjudged by us, that he the said *A B* had forfeited the sum of Dollars for the offence aforesaid to be commuted in case of non-payment of the said sum to imprisonment for *with hard labour:* and whereas the said *A B* hath not paid the said sum, but therein hath made default, and it appears to us that the said *A B* has no goods or chattels whereon to levy a distress: These are, therefore, to command you, the said Peace Officers or Peace Officer, to take the said *A B* and him safely to convey to the prison of the said *Station*, and there to deliver him to the said Keeper thereof together with this precept; And we do hereby command you, the said Keeper of the said prison, to receive the said *A B* into the said prison, there to imprison him *with hard labour* for the space of

Given under our hands and seals, at this day of 18 .

C D,
E F,
Justices of the Peace,
or
G H,
Magistrate of Police.

Y.

FORM OF COMMITMENT.

Under Section 54.

To the Peace Officers, or any Peace Officer, and the Keeper of the Prison of the said Station, or to the Keeper of the House of Correction at the said Station.

To Wit. Whereas *A B* of was on the day of 18 , duly convicted before us (*C D* and *E F*, two of the Justices of the Peace, or *G H*, Magistrate of Police) for the said *Station*, of the offence of

against the form of Act of , in that case made and provided, and was thereupon adjudged by us that he the said *A B* had forfeited the sum of Dollars, for the offence aforesaid, to be commuted in case of non-payment of the said sum to imprisonment for *with hard labour* · And whereas we have issued a Distress Warrant to levy the amount of the said sum by seizure and sale of the goods and chattels of the said *A B* within our jurisdiction, and no goods and

chattels of the said *A B* have been found within such jurisdiction, and the said *A B* hath not yet paid the said sum, but therein hath made default: These are, therefore, to command you, the said Peace Officers or Peace Officer, to take the said *A B* and him safely to convey to the prison of the said *Station*, and there to deliver him to the said Keeper thereof together with this precept: And we do hereby command you, the said Keeper of the said prison, to receive the said *A B* into the said prison, there to imprison him *with hard labour* for the space of

Given under our hands and seals at this day of 18

C D,
E F,
Justices of the Peace,
or
G H,
Magistrate of Police.

Z.

FORM OF CONVICTION.

Under Section 55.

To Wit. } Be it remembered that, on the day of in the year 18 , *A B* is found guilty before us, *C D* and *E F*, two of the Justices of the Peace, or *G H*, Magistrate of Police for the said *Station*, of the offence of

against the form of the Straits Excise Act of 1866 in that case made and provided: And we do hereby convict him of the offence aforesaid, and do adjudge that he, the said *A B*, hath forfeited the sum of Dollars for the offence aforesaid, to be commuted in case of non-payment of the said sum to imprisonment for *with hard labour.*

Given under our hands and seals, at the day and year first mentioned.

C D,
E F,
Justices of the Peace,
or
G H,
Magistrate of Police.

AA.

EXCISE REVENUE.

Notice of Appeal under Section 56.

In the Police Court at

In the case of
The (Opium) Farmer,
Complainant,
versus
M N,
Defendant.

To *A B*, Esq., and *C D*, Esq., Her Majesty's Justices of the Peace at
or *E F*, Esq., Magistrate of Police at

Take notice, that I intend to appeal to the Court of Judicature against your adjudication in the above-named case, on the following grounds :—that is to say (here state grounds of appeal in full).

Yours, &c.,

Date *Complainant or Defendant.*

BB.

EXCISE REVENUE APPEAL.

Under Section 56.

IN THE COURT OF JUDICATURE OF PRINCE OF WALES' ISLAND, SINGAPORE AND MALACCA.
Division of

In the Matter of
The (Opium) Farmer of
versus

Charge in full (as in Charge Sheet or Summons). Mr. appeared as Law Agent for the Complainant, and Mr. for the Defendant (as the case may be).

The case was called on in the Police Court in on the day of 18 before (Esq., a Magistrate of Police), or two of Her Majesty's Justices of the Peace for the Station, when the Defendant pleaded not guilty, and the following evidence was taken on oath for the prosecution :—(here copy evidence for prosecution).

The Defendant contended (here state shortly the points of defence made by or for the Defendant).

The following evidence was taken for the Defendant :—(here copy evidence for defence).

For the Complainant it was contended that (here state shortly the argument in support of the Complainant's case).

The following adjudication was then made by the undersigned :—(here state decision). On the day of . 18 (the Complainant or Defendant, as the case may be), gave notice to the undersigned of (his) intention to appeal and (has) lodged with (us) the sum of Dollars for the copying of this transcript, and (has) given security to (my) satisfaction in the sum of Dollars to answer the costs of this appeal, and in the further sum of Dollars (the amount of penalty) for the due enforcement of the penalty awarded by (me) or to be awarded by the Court of Judicature, if necessary.

This transcript is therefore in terms of Section 56 of the Straits Excise Act of 1866 transmitted to the Registrar of Her Majesty's Court of Judicature.

Given under (my) hand and seal, at this day of 18

Magistrate of Police,
or
Two Justices of the Peace.

CC.

EXCISE REVENUE.

Order to produce person confined under Section 56.

To the Sheriff of Prince of Wales' Island, Singapore and Malacca, or to the Keeper of the House of Correction at

These are to require you to bring before us or such other Justices of the Peace or Magistrate of Police as may be sitting at the Police Court, on next, the day of 18 the body of (prisoner's name) now in your custody, under warrant of Commitment, dated the day of 18 for an offence against the provisions of the Straits Excise Act of 1866.

Given under our hands and seals, at this day of 18

Justice of the Peace, &c.

DD..

EXCISE REVENUE.

Recognizance of Bail under Section 56.

(Defendant's name and sureties' names) appear before us, and acknowledge themselves severally, as well as jointly, to be indebted to the Commissioner of Police at this Station, or his successor in office, in the sum of Dollars for costs in an appeal by him forwarded under the Straits Excise Act of 1866, and a further sum of Dollars to answer a penalty adjudicated against the first above-named to be levied in a summary manner, by distress and sale of the goods and effects of the said severally, as well as jointly, under the provisions of Section 56 of the Sraits Excise Act of 1866.

The condition of this recognizance is such, that if the above bounden (Defendant) shall, if ordered thereto on appeal by the Court of Judicature, pay the amount of taxed costs of the said appeal (and shall further appear at this Police Court within two days after the hearing and decision of the said Court of Judicature on the said appeal) and surrender himself to undergo any sentence or pay any penalty which may be ordered by the said Court of Judicature on appeal, then this recognizance to be void and of no effect, otherwise to stand in full force and effect.

Taken and acknowledged at the Police Court at this day of 18

Justice of the Peace, &c.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

HOME DEPARTMENT.

No. 5827.

Simla, the 26th October 1866.

NOTIFICATIONS.

Under Section 1 of Act X of 1864, the Governor General in Council is pleased to extend to the Bijiragoghur Tehsil of the Jubbulpore District, in the Jubbulpore Division of the Central Provinces, the Abkaree Act XXI of 1856 as amended by Act XXIII of 1860.

Under the provisions of Section 2 of the aforesaid Act X of 1864, the Governor General in Council is pleased to invest Officers of the Revenue and Police Departments in the Bijiragoghur Tehsil with the powers of seizure, search, and arrest, given to Abkaree Officers by Sections 56 to 58 of Act XXI of 1856, with respect to the seizure of, and search for, spirituous and fermented liquors and intoxicating drugs of every description, and the arrest of persons found in possession of them; and to declare that such Officers, when so empowered, shall be held and deemed to be Abkaree Officers within the meaning of the said Act XXI of 1856.

No. 5829.

Mr. George Hough assumed charge of the Office of Director of Public Instruction in British Burmah on the forenoon of the 29th August 1866.

No. 5831.

The Reverend H. F. Corbyn, Chaplain of Lucknow, has obtained one month's privilege leave of absence, from the date on which he may avail himself of the same.

E. C. BAYLEY,

Secy. to the Govt. of India.

No. 5841.

The 27th October 1866.

Assistant Surgeon J. A. W. Spence, of the Madras Medical Establishment, is appointed temporarily to the Civil Medical charge of Prome, vice Assistant Surgeon B. T. Suffrein, of the Madras Medical Establishment, who has been permitted at his own request to resign the appointment.

Assistant Surgeon Spence received charge of his duties as Civil Surgeon of Prome from Assistant Surgeon Suffrein on the forenoon of the 20th August last.

No. 5851.

Moung Doon, Extra Assistant Commissioner, 3rd Class, 1st Grade, British Burmah, is invested with the powers of a Subordinate Magistrate of the 2nd Class, as described in Section 22 of Act XXV of 1861.

No. 5853.

The Governor General in Council is pleased to promote the following Junior Chaplains to be Senior Chaplains from the dates specified :—

The Reverend J. F. Gavin, from the 24th May last, vice the Reverend C. Slóggett, retired.

The Reverend J. Richards, from the 2nd June last, vice the Reverend L. Poynder, retired.

The Reverend H. Murray, from the 22nd June last, vice the Reverend F. O. Mayne, retired.

The Reverend G. Lovely, from the 3rd September last, vice the Reverend Dr. H. Smith, retired.

No. 5878.

The 29th October 1866.

The leave granted to the Hon'ble H. B. Riddell, Director General of the Post Office of India, in Notification No. 5352, dated 12th instant, is extended to two months.

No. 5860.

The 2nd November 1866.

The services of Mr. G. R. Elsmie are replaced at the disposal of the Punjab Government from the 1st instant.

No. 459.

Fort William, the 2nd November 1866.

The under-mentioned Specifications of Inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India, in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every Specification is open, at all reasonable hours, at the Office of the Secretary to the Government of India, in the Home Department at the Presidency, to public inspection, upon payment of a fee of one Rupee. A certified copy of any Specification will be given to any person requiring the same, on payment of the expense of copying :—

No. 295.—Mr. William Riddle, British subject, residing in Church Gate Street within the Fort of Bombay, Civil Engineer, and Mr. Alexander Charles Brice, British subject, residing at Colaba in the Island of Bombay, Merchant, for improvements in apparatus for compressing cotton or other material.

No. 296.—Mr. Digby Murray, Master Marine of Dundee in Scotland, for a Block for lowering boats from steamers or sailing vessels while the said steamers or sailing vessels are in motion.

No. 298.—Mr. A. W. Campbell, Merchant's Assistant, residing at Middle Colaba in the Island of Bombay, for compressing cotton, wool, or other substances of a fibrous nature.

No. 311.—Mr. William Boyd Livingstone, Officiating Assistant Professor of English Literature in the Presidency College, residing at No. 13, Sudder Street, Calcutta, for using cotton in certain peculiar ways for all the purposes for which blotting paper is now used.

No. 312.—Mr. William Boyd Livingstone, Officiating Assistant Professor of English Literature in the Presidency College, residing at No. 13, Sudder Street, Calcutta, for Punkah-pulling and Thermantidote Machine.

No. 313.—Mr. William Boyd Livingstone, Officiating Assistant Professor of English Literature in the Presidency College, residing at No. 13, Sudder Street, Calcutta, for an Irrigating and Motive Power Machine.

No. 314.—Mr. Henry Clifton, of London, in England, for an Improved Churn.

No. 316.—Captain Francis John Bolton, of No. 13, Bruton Street, in the County of Middlesex, belonging to Her Majesty's Army, for improvements in the mode of transmitting messages by the Electric or Magnetic Telegraph.

J. T. WHEELER,

For Secy. to the Govt. of India.

FINANCIAL

No.

Simla, the 26th

Notification.—The following Accounts of the Government Paper Currency, from their Appendices, for

Dr.

Accounts of the Profits of the Currency Note Circulation, and of the Charges Paper Currency on the 1st March

RECEIPTS AS PER APPENDIX A.			
1861-62.			
To Balance on 30th April 1862			5,885 5 10
TOTAL RUPEES ...			5,885 5 10
1862-63.			
Fines levied on Establishment	55 14 8		
Interest on Government Securities	1,52,258 11 6		
Miscellaneous	2 0 0		
			1,52,316 10 2
To Balance on 30th April 1863			3,84,381 4 6
TOTAL RUPEES ...			5,36,697 14 8

DEPARTMENT.

3005.

October 1866.

its introduction on the 1st March 1862 to the 30th April 1865, are published, with general information :—

E. H. LUSHINGTON,
Secy. to the Govt. of India.

Cr.

and Expenses incidental thereto, from the introduction of the Government 1862 *to the* 30*th April* 1865.

CHARGES AS PER APPENDIX B.		
1861-62.		
Salary of the Assistant Commissioners	1,235 11 5	
Establishments	4,231 9 6	
Contingencies	185 14 11	
Telegraph Charges	7 2 0	
Purchase of Iron Safes, &c....	225 0 0	
Bank's Commission on the Notes in circulation ...	... ...	
TOTAL RUPEES ...		5,885 5 10
1862-63.		
Balance of last year brought forward	... ...	5,885 5 10
Salary of the Assistant Commissioners	18,742 6 1	
Establishments	26,006 2 8	
Extra Establishment	584 9 11	
Contingencies	1,848 5 1	
Stationery	147 1 7	
Telegraph Charges	184 7 11	
Purchase of Iron Safes, &c....	6,093 10 0	
Bank's Commission on the Notes in circulation ...	3,04,045 7 2	
Ditto ditto on the purchase of Government Securities for the Currency Department	8,314 15 9	
Cost of manufacturing the Currency Notes with charges and freight	1,64,845 6 8	
		5,30,812 8 10
TOTAL RUPEES ...		5,36,697 14 8

Dr. *Accounts of the Profits of the Currency*

RECEIPTS AS PER APPENDIX A,—*continued.*

1863-64.

Interest on Government Securities ...	... 3,27,398 5 4		
Miscellaneous	... 333 0 0		
		3,27,731	5 4
To Balance on 30th April 1864 ...	... ...	4,22,058	9 6
	TOTAL RUPEES ...	7,49,789	14 18

1864-65.

Interest on Government Securities ...	... ...	16,54,979	0 0
	TOTAL RUPEES ...	16,54,979	0 8

FORT WILLIAM;
COMPTROLLER GENERAL'S OFFICE,
The 16*th April* 1866.

Note Circulation, &c.,—continued.

Cr.

CHARGES AS PER APPENDIX B,—*continued.*								
1863-64.								
Balance of last year brought forward							3,84,381	4 6
Salary of the Assistant Commissioners			18,600	0	0			
Establishments			26,732	5	7			
Extra Establishment			545	9	0			
Contingencies			849	5	0			
Stationery			526	6	3			
Telegraph Charges			245	1	0			
Reward to an informer in regard to forged Notes ...			1,200	0	0			
Bank's Commission on the Notes in circulation ...			2,94,458	11	9			
Ditto ditto on the purchase of Government Securities for the Currency Department			22,251	3	9			
							3,65,408	10 4
TOTAL RUPEES ...							7,49,789	14 10
1864-65.								
Balance of last year brought forward							4,22,058	9 6
Salary of the Assistant Commissioners			48,273	7	0			
Establishments			46,331	7	6			
Contingencies			19,754	15	5			
Stationery			1,209	9	8			
Travelling Allowance to Assistant Commissioner ...			129	11	0			
Ditto ditto to Establishment			59	13	6			
Bank's Commission on the Notes in circulation ...			2,74,544	0	4			
Ditto ditto on the purchase of Government Securities for the Currency Department			6,291	6	6			
							3,96,594	6 11
							8,18,653	0 5
Balance on the 30th April 1865							8,36,326	0 3
TOTAL RUPEES ...							16,54,979	0 8

E. E.

R. P. HARRISON,

Comptroller General of Accounts.

RECEIPTS ACCRUED BUT NOT REALISED.						
Balance brought forward from the above account ...	8,36,326	0	3			
Interest on Government Securities due but not realised on the 30th April 1865	4,63,284	1	10			
				12,99,610	2	1
TOTAL RUPEES ...				12,99,610	2	

Statement No. 1 *showing the Assets and Liabilities*

Silver Coin Reserve on 30th April 1865	2,43,20,918	11	7			
Gold ditto ditto ditto	20,05,260	0	0			
Silver Bullion ditto ditto	87,00,000	0	0			
Government Securities ditto	3,98,01,961	4	5			
				7,48,28,140	0	0
TOTAL RUPLES ...				7,48,28,140	0	0

Statement No. 2 *being the Profit and Loss Account of the*

Difference between the Receipts and Payments of the Currency Department as shown above in the Account Current				8,88,029	0	5
Loss				3,86,993	3	8
TOTAL RUPEES ...				12,75,022	4	1

FORT WILLIAM,
The 30th April 1866.

CHARGES DUE BUT NOT PAID.				
Charges of the Currency Department incurred but not paid up to 30th April 1865.				
Salaries	7,588	11	4	
Establishments	4,781	5	11	
Contingencies	2,401	5	5	
Bank's Commission on Notes in circulation	3,96,809	11	0	
				4,11,581 1 8
Balance				8,88,029 0 5
TOTAL RUPEES ...				12,99,610 2 1

of the Currency Department on the 30*th April* 1865.

Value of Notes in circulation on the 30th April 1865	7,48,28,140 0 0
TOTAL RUPEES ...	7,48,28,140 0 0

Currency Department made up to the 30*th April* 1865.

Difference between the prime cost and the market value on 30th April 1865 of the Government Securities held by the Currency Department ...	12,75,022 4 1
TOTAL RUPEES ...	12,75,022 4 1

E. E.

R. P. HARRISON,

Comptroller General of Accounts.

Statement No. 3 showing the Valuation of the Government Securities held by the Currency Department on the 30th April 1865.

Description of the Government Securities.	Nominal Value of the Securities. Sicca Rupees.	Nominal Value of the Securities. Government Rupees.	Market Rates on 30th (29th) April 1865.	Values according to Market Rates.
			Discount.	
4 per cent. Stock Receipt	3,23,271 4 0	3,44,822 10 8	10 14 0	3,07,323 3 3
1st.—4 per cent. Loan	27,100 0 0	28,906 10 8	10 14 0	25,763 1 1
3rd.—4 per cent. ditto	4,86,000 0 0	5,18,400 0 0	10 14 0	4,62,024 0 0
4th.—4 per cent. ditto	.....	30,69,400 0 0	9 14 0	27,66,296 12 0
5th.—4 per cent. ditto	.....	91,34,300 0 0	9 14 0	82,32,287 14 0
6th.—4 per cent. ditto	.....	66,39,200 0 0	9 14 0	59,83,579 0 0
7th.—4 per cent. ditto	.....	23,30,300 0 0	9 14 0	21,00,182 14 0
			Premium.	
5 per cent. P. W. Loan	.....	1,26,400 0 0	0 10 0	1,27,190 0 0
5 per cent. Loan of 1856-57	.....	62,55,200 0 0	2 6 0	64,03,761 0 0
5½ per cent. ditto of 1859-60	.....	1,10,79,800 0 0	9 6 0	1,21,18,531 4 0
Total	.....	3,95,26,729 5 4	.....	3,85,26,939 0 4

E. E.

FORT WILLIAM,
The 30th April 1866.

R. P. HARRISON,
Comptroller General of Accounts.

APPENDIX A.

Receipts	Calcutta.	Madras.	Bombay.	Total.	Remarks.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
1861-62.					
Receipts, Nil	.....	.....	.....	.....	
1862-63.					
Fines levied on Establishment	55 14 8	.....	.....	55 14 8	
Interest on Government Securities	1,52,258 11 6	.....	.....	1,52,258 11 6	
Miscellaneous	2 0 0	.....	.....	2 0 0	
Total ...	1,52,316 10 2	.....	.....	1,52,316 10 2	
1863-64.					
Interest on Government Securities	3,27,398 5 4	.....	.....	3,27,398 5 4	
Miscellaneous	333 0 0	.....	.....	333 0 0	
Total ...	3,27,731 5 4	.....	.....	3,27,731 5 4	
1864-65.					
Interest on Government Securities	16,54,979 0 8	.....	.....	16,54,979 0 8	

E. E.

R. P. HARRISON,

Comptroller General of Accounts.

FORT WILLIAM;
COMPTROLLER GENERAL'S OFFICE,
The 16th April 1866.

APPENDIX B.

Charges.	Calcutta.	Madras.	Bombay.	Total.	Remarks.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
1861-62.					
Salary of the Assistant Commissioners	... ..	250 0 0	985 11 5	1,235 11 5	
Establishments	2,639 2 7	501 9 3	1,090 13 8	4,231 9 6	
Contingencies	.....	.....	185 14 11	185 14 11	
Stationery	... .	.....	.....	. .	
Telegraph Charges	. ...	. ....	7 2 0	7 2 0	
Purchase of Iron Safes, &c.	. ..	.....	225 0 0	225 0 0	
Bank's Commission on the Notes in circulation ..	... .	.....	... ..	.. . .	
Total ...	2,639 2 7	751 9 3	2,494 10 0	5,885 5 10	
1862-63.					
Salary of the Assistant Commissioners	8,542 6 1	3,000 0 0	7,200 0 0	18,742 6 1	
Establishments	13,468 0 0	4,570 2 8	7,968 0 0	26,006 2 8	
Extra Establishment	584 9 11	.....	.....	584 9 11	
Contingencies	1,144 1 4	*a* 427 6 4	276 13 5	1,848 5 1	(*a*) Rs 185-7-10 erroneously debited to "Mint," now rectified to the debit of this Department by the Accountant General, Madras.
Stationery	147 1 7	.. ...	. ...	147 1 7	
Telegraph Charges	52 14 0	.....	131 9 11	184 7 11	
Purchase of Iron Safes, &c.	5,926 10 5	... .	166 15 7	6,093 10 0	
Bank's Commission on the Notes in circulation ...	1,50,256 13 2	30,854 7 1	1,22,934 2 11	3,04,045 7 2	
Ditto ditto on the purchase of Government Securities of the Currency Department... ...	8,314 15 9	... ..	.....	8,314 15 9	
Cost of manufacturing the Currency Notes with charges and freight, as per Despatch No. 195, dated 26th November 1862, from the Secretary of State ..	.....	.....	.....	1,64,845 6 8	
Total ...	1,88,437 8 3	38,852 0 1	1,38,677 9 10	5,30,812 8 10	

APPENDIX B,—*continued.*

Charges.	Calcutta.	Madras.	Bombay.	Total.	Remarks.
1863-64.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
Salary of the Assistant Commissioners	8,400 0 0	3,000 0 0	7,200 0 0	18,600 0 0	
Establishments	13,314 15 9	5,288 6 1	8,128 15 9	26,732 5 7	
Extra Establishment	545 9 0	. ...	.....	545 9 0	
Contingencies	248 10 5	*a* 250 13 4	*b* 349 13 3	849 5 0	*(a)* Re.1-11-4 erroneously debited to "Mint," now rectified to the debit of this Department by the Accountant General, Madras.
Stationery	458 15 10	*a* 67 6 5	.....	526 6 3	
Telegraph Charges	31 2 0	.....	213 15 0	245 1 0	
Reward to an informer in regard to forged Notes ..	. ....	.. ...	1,200 0 0	1,200 0 0	*(b)* Rs. 27-14-1 were erroneously charged to "Miscellaneous," and now rectified to the debit of this Department by the Accountant General, Bombay.
Bank's Commission on the Notes in circulation ...	94,798 12 2	50,031 15 8	1,49,627 15 11	*c* 2,94,458 11 9	*(c)* Commission from January to June 1863 only.
Ditto ditto on the purchase of Government Securities for the Currency Department ...	22,251 3 9	..	.....	22,251 3 9	
Total ...	1,40,049 4 11	58,638 9 6	1,66,720 11 11	3,65,408 10 4	

Charges.	Calcutta.	Madras.	Bombay.	N. W. P.	Punjab.	Nagpore.	Total.	Remarks.
1864-65.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
Salary of the Assistant Commissioners..	8,400 0 0	*d* 8,271 11 6	7,200 0 0	12,064 8 3	8,483 13 11	3,853 5 4	48,273 7 0	*(d)* Chief Comr. 3,483 5 4 Asst. Dy. Comr. 4,788 6 2 8,271 11 6
Establishments	13,343 0 1	7,889 10 10	8,607 13 4	6,948 5 11	5,660 0 0	3,882 9 4	46,331 7 6	
Contingencies ...	5,597 13 5	2,966 0 9	3,713 3 5	1,098 6 6	3,395 15 1	2,983 8 3	19,754 15 5	
Stationery	513 4 6	667 6 2	.....	28 15 0	... .	. ....	1,209 9 8	*(e)* As per Statement furnished by the Superintendent of Stationery.
Travelling Allowance to Assistant Commissioner	.... .	.....	.....	129 11 0	.....	.....	129 11 0	
Travelling Allowance to Establishment. .	.....	.....	....	59 13 6	... ..	.....	59 13 6	
Bank's Commission on the Notes in circulation.	.....	42,829 0 4	2,31,715 0 0	.....	.....	. ...	2,74,544 0 4	
Bank's Commission on the purchase of Govt. Securities for the Currency Dept.	6,291 6 6	....	....	.. ...	.....	... ..	6,291 6 6	
Total ...	34,145 8 6	62,623 13 7	2,51,236 0 9	20,329 12 2	17,539 13 0	10,719 6 11	3,96,594 6 11	

FORT WILLIAM;
COMPTROLLER GENERAL'S OFFICE,
The 16th April 1866.

E. E.
R. P. HARRISON,
Comptroller General of Accounts.

No. 1868.

Fort William, the 1st November 1866.

NOTIFICATIONS.

Mr. W. E Gordon received charge of the Office of Assistant Comptroller General of Accounts from Baboo Shama Churn Dey on the afternoon of the 31st ultimo.

No. 1870.

Mr. J. S. Maidment assumed charge of his duties as Officiating Controller of the Money Order Office, Bombay, on the forenoon of the 25th ultimo.

R. P. HARRISON,
Comptroller General of Accounts,
for the Financial Secretary.

MILITARY DEPARTMENT.

Simla, the 29th October 1866.

No. 909 *of* 1866.—With reference to Government General Order No. 403 of the 17th April 1865, and to previous orders on the same subject, the Governor General in Council is pleased to notify that the indulgence of privilege leave for sixty days consecutively now granted to Officers generally will be specially extended to ninety days in the case of Officers serving at the Stations marginally named.

Gowhatty	In Assam.
Debrooghur	In Assam.
Cherra Poonjee or Shillong ...	In Assam.
Thyatmyo	In British Burmah.
Tonghoo	In British Burmah.
Bunnoo	North-Western Frontier.
Dera Ishmael Khan	North-Western Frontier.
Dera Gazee Khan ...	North-Western Frontier.
Rajanpore	North-Western Frontier.
Jacobabad	In Upper Scinde.
Aden.	

No. 910 *of* 1866.—The under-mentioned Officers are admitted to the Bengal Staff Corps with effect from the dates specified, subject to the confirmation of the Right Hon'blé the Secretary of State for India :—

Lieutenant James Bird Hutchinson, of Her Majesty's 82nd Foot, 2nd Wing Subaltern, 5th Goorkha Regiment (the Hazara Goorkha Battalion) ...	27th July 1865.
Lieutenant William Sidney Nugent, of Her Majesty's 103rd Foot, 1st Wing Subaltern, 2nd Regiment of Punjab Infantry ...	4th August 1865.

No. 911 *of* 1866 —His Excellency the Governor General in Council is pleased to promote Subadar Major Syed Moostafa, Bahadoor, of the 41st Regiment Madras Native Infantry, to the 1st Class of the Order of British India, with the title of Sirdar Bahadoor; and to admit Subadar Veeran, of the Madras Sappers and Miners, to the 2nd Class of that Order, with the title of Bahadoor, with effect from the 27th August 1866, in succession to Subadar Major Abdool Cawder, Sirdar Bahadoor of the Pension Establishment, deceased.

No. 912 *of* 1866.—The under-mentioned Officers have reported their return from England :—

	Date of arrival at Fort William.
Major (Brevet Lieutenant Colonel) J. Ward, of the late 4th European Regiment. ...	20th October 1866.
Assistant Surgeon A. D. Campbell, M. D., of the Medical Department ...	20th October 1866.

No. 913 *of* 1866.—The following promotions are made, subject to Her Majesty's approval :—

BREVET.

PROMOTIONS.

Rank, Names, and Corps.	To what rank promoted.	From what date.	In succession to
Major Edward Oakes, Bengal Infantry ...	Lieut. Colonel ...	27th May 1866 ..	General G Jackson, Madras Infantry, deceased.
Captain Henry Melvill, Bengal Cavalry ...	Major ...		
Major Henry Lane, Bengal Cavalry ...	Lieut. Colonel ...	12th June 1866...	General T. H. Paul, Bengal Infantry, deceased.
Captain Hector Mackenzie, Bengal Staff Corps	Major ..		
Major Robert Patrick Anderson, Bengal Infantry	Lieut. Colonel ...	19th June 1866...	General S. Swinhoe, Bengal Infantry, deceased.
Captain Albert Henry Bamfield, Bengal Staff Corps	Major ...		
Major Arthur Davies Dickens, Bengal Staff Corps	Lieut. Colonel ...	23rd July 1866...	General C. W. Hamilton, Bengal Infantry, deceased.
Captain (local Major) George Maister, Royal (Bengal) Artillery	Major ...		

No. 914 *of* 1866.—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate :—

Captain Frederick Morris Alexander, of the late 8th Regiment Madras Light Cavalry ... .
Lieutenant Charles Stewart Pratt, of the late 54th Regiment Native Infantry, Adjutant, 34th (The Futtehgurh) Regiment Native Infantry ... ...
} For twenty months, under the new Regulations.

H. K. BURNE, *Lieut. Colonel,*
Offg. Secy. to the Govt. of India.

NOTIFICATION.

Calcutta, the 2nd November 1866.

Under Clause 26 of the Regulations appended to the Regimental Debts' Act of 1863, it is notified that reports of the deaths of the under-mentioned Commissioned Officers and Non-Commissioned Officers on the dates specified, were received in the Military Department during the month of October 1866 :—

Corps.	Rank and Names	Date of Decease.	Place of Decease.
Staff Corps ...	Major C. S. W. Ogilvie ...	24th Sept. 1866 ..	Dalhousie.
Medical Department ...	Surgeon Major H. Cape, F. R. C. S. ...	27th „ „ ...	Segowlie.
41st Foot ...	Ensign J. LeM. Seymour ...	4th Oct. „ ...	Agra.
37th Regt. Madras N. I	Lieut. I. N. Fitzgerald ...	21st „ „ ...	Calcutta.
Commissariat Department	Sergeant A. Bigwood ...	17th Aug. „ ...	Sealkote.
Department Public Works	Sergeant P. Sexton ...	8th Sept. „ ...	Allahabad.

B. E. BACON, *Lieut. Colonel,*
Offg. Secy. to the Govt. of India.

Calcutta, the 2nd November 1866.

NOTICE

Is hereby given that the amounts on account of the Estates of deceased European Commissioned and Non-Commissioned Officers, as specified in the Statements published below, have been received by the undersigned, to whom all claims by creditors against the respective properties of the deceased are to be submitted within two calendar months from the date of this notice.

Statement of Deposits made at the Presidency Pay Office on account of Estates of deceased European Commissioned Officers of Her Majesty's British Military Service during the month of October 1866.

Date of Deposit.	On whose account.	Rank.	Corps.	General Number	Date of decease.	Testate or Intestate	Amount of monies accruing from the adjustment of Estates	Amount of Donation Batta due to Estates.	Total unclaimed amount deposited	How disposed of. Amount paid in India.	Amount retained in India.	Amount remitted for payment in England. In Co.'s Rupees.	Equivalent in Sterling	Rate of Exchange.
	Commissioned Officers						Rs. A. P.		Rs. A. P.					
10th Oct. 1866	(a) James Newman Tanner ...	Lieutenant ...	H. M.'s 82nd Foot ...	...	25th June 1866	Testate	1,846 2 4	...	1,846 2 4					
12th „ „	(b) John Robert Glover Sweeny ...	Lieutenant ...	„ 20th Hussars ...	...	21st May „	Intestate	309 7 4	..	309 7 4					
31st „ „	(c) Coote F Hutchinson ...	Assistant Surgeon .	Medical Staff, H. M.'s British Service .	...	12th Sept. „	Intestate	785 3 0	...	785 3 0					
						Total ...	2,940 12 8		2,940 12 8					

(a) Mother, Mrs. Tanner, 77, Grosvenor Street, London. (b) Widow, Mrs. Julia Alexandrina Sweeny; child, Mary Rose Sweeny. (c) Father and mother alive in Ireland.

FORT WILLIAM;
PAY OFFICE,
The 31*st October* 1866.

H. D. BATTYE, *Captain,*
Offg. Presidency Pay Master.

Statement of Deposits made at the Presidency Pay Office on account of Estates of deceased European Commissioned and Non-Commissioned Officers of Her Majesty's Indian Military Service, during the month of October 1866.

Date of Deposit.	On whose account.	Rank.	Corps.	General Number	Date of decease.	Testate or Intestate.	Amount of monies accruing from the adjustment of Estates.	Amount of Donation Batta due to Estates.	Total unclaimed amount deposited.	How disposed of. Amount paid in India.	Amount retained in India.	Amount remitted for payment in England. In Co.'s Rupees.	Equivalent in Sterling	Rate of Exchange.
	Commissioned Officers.						Rs. A. P.		Rs. A. P.					
4th Oct. 1866	(a) Richard Nicholas ...	Brevet Lieutenant Colonel ...	Late 64th N. I. ...	...	27th July 1866	Intestate	860 0 0	...	860 0 0					
30th " "	Ditto ...	Ditto ...	Ditto ..	...	" " "	Ditto	293 7 2	...	293 7 2					
30th " "	(b) Dawson, G. Massy ...	Assistant Surgeon	Medical Establishment ..	...	20th " "	Ditto	524 10 1	...	524 10 1	*40 8 0				
30th " "	(c) John Hooper ...	Surgeon ...	Ditto ditto ...	...	5th Aug. "	Ditto	3,500 0 0	..	3,500 0 0					
30th " "	(d) Francis George Hearn ...	Lieutenant ...	General List of Infantry	...	10th June "	Ditto	1,205 8 0	...	1,205 8 0					
30th " "	(e) Eaton Joseph Travers ...	Lieutenant ...	Late 32nd Regt. N. I. ...	...	2nd Aug 1857	Ditto	130 0 0	...	130 0 0					
31st " "	(f) Archibald Cumine ...	Captain and Brevet Major ...	Late 4th Regt. N. I. ...	...	31st Jan. 1866	Ditto	18 0 0	...	†18 0 0					
	Non-Commissioned Officers.													
10th " "	Thomas Woolgar ...	Sergeant Major ...	Late 10th Regt. N. I. ...	...	Killed at Futtehgur during Mutiny 1857-58	Not known	60 15 6	...	60 15 6					
30th " "	(g) Patrick Sexton ...	Sergeant ...	Late Bengal Artillery ...	...	8th Sept. 1866	Intestate	555 15 0	...	555 15 0					
	Total ...	...	...	...	..	...	7,148 7 9	...	7,148 7 9	40 8 0				

(a) Widow, Mrs. Kate Josephine Nicholas, Kussowlie.
(b) Widow, Mrs. Fannie Augusta Massy; father, Rev. D. Massy.
* Paid to Messrs. Ahmuty & Co., 29th October 1866.
(c) Widow, Mrs. Mary Anne Hooper; mother, Mrs. Hooper, Muriel Lodge, 4, Prospect Place, Camden Crescent-Bath.
(d) Mother, Mrs. Sarah A. Hearn, Buckingham Bucks, England; brother, Capt. Charles Shuckburgh Hearn, Commissioner of Police, Madras.
(e) Lieut. Colonel James Travers, v. c., Administrator to the estate.
(f) Mother, Mrs. Jane Cumine, County Bauff, Scotland.
† Amount of a Bill passed to the credit of the estate.
(g) Widow, Mrs. E. Sexton, an Inmate of Bhowanipore Lunatic Asylum, and 4 children living, 2 at Agra and 2 with H. M.'s 107th Regiment.

FORT WILLIAM;
PAY OFFICE,
The 31*st October* 1866.

H D. BATTYE, *Captain,*
Offg. Presidency Pay Master.

H. K. BURNE, *Lieut. Colonel,*
Offg. Secy. to the Govt. of India.

ADVERTISEMENTS.

THE GAZETTE OF INDIA.

In consequence of the return of the Viceroy and Members of the Government of India to the Presidency, the *Gazette of India* will, on and after the 3rd November, be published in Calcutta. All communications, therefore, regarding the *Gazette*, should be addressed to the Office of the Superintendent of Government Printing, Military Orphan Press.

Price Five Rupees.

Finance and Revenue Accounts of the Government of India for the year 1864-65, and Estimate of Revenue, Expenditure, and Cash Balances for 1865-66, with a comparison of the two years.

Price Two Rupees.

Budget Estimate of Revenue, Expenditure, and Cash Balances of the Government of India for the year 1866-67.

CALCUTTA:
OFFICE OF SUPDT. OF GOVERNMENT PRINTING
MILITARY ORPHAN PRESS.
1866.

NOTICE.

A New Edition of the Map of DISTRICT NUDDEAH, showing Village boundaries, Scale 1 Mile equal to 1 Inch, in 8 Sections, with a small Index, is now ready for issue.

Applications for the Maps *bonâ fide* on the Public Service, to be addressed to the Registrar, Surveyor General's Office, Calcutta.

For private use, on payment, the Map can be obtained from all Booksellers and the "School Book Society," Calcutta, at the following rates:—

		Rs.	A.	P.
Uncolored and Unmounted.	On *thick paper*, the Map complete in 8 Sections with Index...	8	0	0
	Or each Section separate ...	2	0	0
	On *thin paper*, the Map complete in 8 Sections with Index..	6	0	0
	Or each Section separate ...	1	8	0

N. B.—Parties requiring the Map Colored and Mounted must pay extra for the same.

J. E. GASTRELL, *Lieut. Colonel,*
Offg. Deputy Surveyor Genl. of India.

NOTICE.

A pucka house known as "Crommelin Sahib ki kothe," situated in the Civil Station of Goruckpore, believed to belong to Mr. Crommelin, who is supposed to have deceased, is under the charge of this Court. Any person having a title to the same is requested to prefer his claim within one year to the undersigned.

GORUCKPORE, *The 10th October* 1866. } W. G. PROBYN, *Officiating Judge.*

NOTICE.

Lost, or stolen, between Nursingpore and Jubulpore, on the 12th or 13th January 1865, Currency Note No. $\frac{A}{13}$95086, of the Nagpore Circle of Issue, for Rs. 100.

LOST

In transit on or about the 5th August 1866, Government of India Currency Note for Rs. 10, of the Lahore Circle of Issue, No. 53988 of May 8th, 1862.

LOST

Between Goojrat and Shahpoor the right halves of the following Government Notes:—

No. $\frac{A}{13}$93787 of 16th July 1861	for Rs.	100
No. $\frac{A}{18}$42772 of 8th May 1862	for „	10
No. $\frac{A}{18}$47363 of 8th May 1862	for „	10
	Total Rs.	120

LOST

In transit through the Post Office from Calcutta to Dhooree Ghât, Azimghur, 1st or left hand halves of the following Government Currency Notes:—

No. $\frac{A}{29}$38283 of 3rd May 1864	... Rs.	500
No. $\frac{A}{15}$20852 of 8th July 1861	... „	500
	Total Rs.	1,000

LOST

Left hand halves of the following Currency Notes:—

No. $\frac{A}{30}$77483 for Rs. 100.
No. $\frac{A}{23}$97525 for „ 50.

LOST

Second half of the following Currency Note, intimation of which has been given to the Currency Office, Allahabad:—

No. $\frac{A}{12}$04541 for Rs. 50.

LOST OR STOLEN

The second half of Government Currency Note No. $\frac{A}{20}$50201, for Rs. 10.

LOST

Half of a Lahore Currency Note No. $\frac{A}{26}$36137, of Rs. 20.

LOST

Half Note	No. 93394	Each Rs. 20.
„	„ 93374	
„	„ 95638	
„	„ 64966	
„	„ 96100	
„	„ 71428	
„	„ 87297	
„	„ 64470	
„	„ 64954	

LOST

Half of Government Currency Note No. $\frac{A}{30}$66314, for Rs. 100.

LOST OR STOLEN

Half of Currency Note No. $\frac{A}{5}$79303 for Rs. 20, intimation of loss given to the Currency Office, Calcutta.

LOST OR STOLEN

Half of the following Currency Note, intimation of loss given to the Currency Office, Calcutta :—

No. $\frac{A}{20}$38283 for Rs. 500.

LOST

Left halves of the following Currency Notes, intimation of loss given to the Currency Office, Calcutta :—

Nos. $\frac{A}{8}$63038, $\frac{A}{19}$46007, $\frac{A}{6}$63728, for Rs. 10 each.

LOST

The right half of a Government Currency Note No. $\frac{A}{20}$10498 for Rs. 20. An application has been made for a refund.

LOST OR STOLEN

Half of the Currency Note No. $\frac{A}{25}$90038 (marked "E 23-8-66") for Rs. 20.

LOST OR STOLEN

Halves of the following Currency Notes, intimation of loss given to the Currency Office, Calcutta :—

No. $\frac{A}{25}$63491 } for Rs. 20 each.
No. $\frac{A}{25}$63798 }

No. $\frac{A}{19}$06455 for Rs. 10.

LOST

Halves of Lahore Circle Currency Notes No. 25372 for Rs. 20, and No. 40920 for Rs. 10.

LOST

The Government Promissory Note No. 3507 of 25547 of the 4 per cent. Loan of 1854 55, dated 30th June 1854, for Company's Rupees One Thousand, originally standing in the name of Lunjee, Sapurjee and Co., and last endorsed to Syud Sultan Allie Khan, the Proprietor, by whom it was never endorsed to any other person. Payment of the above Note, and of interest thereon, has been stopped at the Loan Office; and application is about to be made to Government for the issue of a duplicate Note in favour of the Proprietor.

SYUD SULTAN ALLIE KHAN,

JULLUNDUR, } *Extra Assistant Commr.,*
The 23rd October 1866. } *Jullundur District.*

LOST

Second half of the following Currency Note—intimation of loss given to the Currency Office, Allahabad :—

No. $\frac{A}{20}$14598, for Rs. 20.

ALLAHABAD, } F. F. DECRUZE.
The 13th October 1866. }

LOST

Second half of the following Currency Note, intimation of loss given to the Currency Office, Allahabad :—

No. A18—24222, for Rs. 10 only.

NOBOKRISTO BOSE,

The 15th October 1866. *Jail Writer, Allahabad.*

LOST

Government Promissory Note No. 8521 of 23666 of 1842-43, for Rs. 1,000. Payment stopped at the Bank of Bengal.

MOONSHEE NIAMUTTOOLLAH,
of Butcherkhana.

FOR SALE

ACTS OF THE IMPERIAL LEGISLATIVE COUNCIL FROM THE YEAR 1854 TO THE PRESENT DATE.

CALCUTTA:
OFFICE OF SUPDT. OF GOVERNMENT PRINTING
MILITARY ORPHAN PRESS
1866.

Just published in Limp Cloth, price Rs. 2-8.

A COMPILATION OF ORDERS

RELATING TO

MUSKETRY INSTRUCTION,

RIFLED ARMS, AMMUNITION, RANGES AND APPLIANCES,

&c., &c.

By Authority.

The Commander-in-Chief having been pleased to approve of a Compilation, prepared by the Chief Inspector of Musketry, of all general and departmental orders relating to Musketry Instruction, Rifled Arms, Ammunition, Ranges and Appliances, &c., &c., &c., has directed the same to be published for the convenience and use of the Staff of British Regiments and of Departments concerned.

All orders on the subject of Musketry Instruction, found necessary to admit of the system laid down in the Musketry Regulations being adhered to in India, have been revised; and this Compilation is to be considered and quoted as an order in supersession of all those contained in Circular, No. $\frac{610}{E}$ of the 5th September 1862, and subsequently issued from the Office of the Chief Inspector of Musketry.

CALCUTTA:
OFFICE OF SUPDT. OF GOVERNMENT PRINTING,
MILITARY ORPHAN PRESS.
1866.

Just published.

BENGAL OFFICIAL ARMY LIST.

The Bengal Official Quarterly Army List, No. XVIII, corrected in the Office of the Adjutant General up to the 1st October, is now ready. Price Five Rupees in advance, and Eight Annas extra if sent by Post.

Apply at the Office of Superintendent, Government Printing, Military Orphan Press, Calcutta.

SALE OF WASTE LANDS IN THE PROVINCE OF OUDH.

Notice is hereby given that several plots of Waste Lands in the District of Gondah, as shown in the accompanying list, will be sold by auction to the highest bidder, above the upset price of Rupees 2-8-0 per acre on the 1st December 1866, at the Office of the Deputy Commissioner of Gondah, should no objection be preferred such as to render it necessary to defer the sale, under the provisions of Act XXIII. of 1863.

The sale will be made in the manner and subject to the conditions prescribed by the Rules for the sale of Waste Lands in Oudh, and to the provisions of Act XXIII. of 1863.

Maps of the several grants can be seen at the Deputy Commissioner's Office.

A. G. GROTE,
Asst. Commr., for *Depy. Commr.*

List of Jungle Grants available for sale in the District of Gondah in the Province of Oudh.

General No.	Pergunnah.	Name of Grant.	Number of Acres.	BOUNDARIES.
				Tehseel Turrufgunge.
1/4	Munkapoor ...	Chittownah Kote	3,104	Bounded on the north by mouzah Sujjway Nuddy; on the south by Mr. Glynn's grant; on the east by Munawur Nuddy, and on the west by Grant No. 8 (Sujjway Surokar).
1/8	Ditto ...	Sujjway Surokar	2,071	Bounded on the north by mouzah Sujjway Nuddy; on the south by Mr. Glynn's grant; on the east by grant Chittownah Kote, and on the west by mouzah Gurrurhaie and grant Tuidooah.
1/8	Ditto ...	Tuidooah ...	1,027	Bounded on the north by mouzah Khuthireah hamlet of Hurdawah and Sujjway Nuddy; on the south by grant Gurrurhaie; east by Sujjway Nuddy and grant Sujjway Surokar, and on the west by mouzahs Bugdeiriah, Purunpoor, Ditteeah, Sutteah, and Ramroop Bunkut, hamlets of mouzah Hurduwah.
4/16	Ditto ...	Kuttahur ...	525	Bounded on the north by mouzah Kuttahur and grant of Yakool Ally Khan; on the south by Sujjway Nuddy; east by Munawur Nuddy, and on the west by mouzah Kuttahur.
5/11	Ditto ...	Choubeypoor ...	1,582	Bounded on the north by Biswee Nuddy; on the south by mouzahs Muddenpoor, Bhyrawa, Choubeypoor, Metilika and Khoorasow; on the east by mouzahs Umgheity, Soreewah, and Khurka, and on the west by mouzah Duttowlee.
5/11	Boorapair ...	Sujjunniah ...	814	Bounded on the north by mouzahs Mulleepoor, Dowlutpoor, Saree, and Chandpoor; on the south by Sawaie Nullah, grant of Hurruttun Sing, and mouzah Behartuppeekee; on the east by mouzah Jessunpoor, and on the west by Sawaie Nullah, mouzahs Muddaipoor and Hutteahghur.
7/12	Ditto ...	Suggragurh ...	1,444	Bounded on the north by mouzahs Mahomedpoor, grant Sawukpoor and Chunderdass; on the south by mouzahs Nuthoonpoor, Phorunda, Hussunghur, and Owradhee; on the east by mouzah Sootheah, and on the west by mouzah Hislampoor.
8/24	Sadoollanugger	Bundrabee ...	2,652	Bounded on the north by Kooany Nuddy; on the south by mouzahs Rancepoor, Achulpoor, Tendooah, Bhaupoor, Ghoorapoor, Bhirwah, and Sokeah Tahir; on the east by mouzah Peetjeah, and on the west by mouzahs Lokeabhur and Manugarah.
9/30	Utroulah ...	Etaie ...	951	Bounded on the north by mouzah Oorlaiha and grant of Baboo Shew Nath Sing and Thakoor Shere Bahadoor Sing; on the south by mouzah Ailrah; on the east by Grant No. 31 (Ramghur) and mouzah Ailrah, and on the west by mouzah Pukkree and Grant No. 26 (Pukkree).
19/31	Ditto ...	Ramghur ...	1,154	Bounded on the north by grants of Baboo Shew Nath Sing and Shere Bahadoor Sing; on the south by Kooany Nuddy; on the east by Kurda Nullah and Grant No. 32, and on the west by mouzah Ailrah and Grant No. 30.

DEPY. COMMR.'S OFFICE;
GONDAH,
The 28th August 1866.

A. G. GROTE,
Asst. Commr., for Depy. Commr.

Printed and Published for the GOVT. OF INDIA, *at the Office of* SUPDT. OF GOVT. PRINTING, *Military Orphan Press, 6, Bankshall Street.*

No. 41.

SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, NOVEMBER 3, 1866.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees four annas if sent by Post.*

No Official Orders or Notifications the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

Government of India.

FINANCIAL DEPARTMENT.

Report on the Trade and Customs of British Burmah for 1865-66.

The trade of British Burmah is steadily increasing. The year under review shows a considerable increase in the value of exports and imports. There is a decrease in customs duty to the amount of Rs. 1,43,293, the cause of which will be explained hereafter.

2. In the accompanying Statements marked X, Y, Z, will be found the most prominent features of the trade of the Province for the year under review.

Value of Imports and Exports in British Burmah

3. In the following Table are shown the value of exports and imports and amount of customs duty for the year 1865-66 as compared with 1864-65, in each division of the Province :—

Divisions and Years.		Exports.	Imports.	Total.	Customs Duty.
		Rs.	Rs.	Rs.	Rs.
Pegu (Land and Sea) ...	1864-65	3,81,88,200	3,46,50,254	7,28,38,454	14,96,531
	1865-66	3,72,49,697	3,56,24,820	7,28,74,517	13,97,742
Tenasserim	1864-65	92,55,329	74,67,734	1,67,23,063	1,32,926
	1865-66	1,01,03,873	85,08,909	1,86,12,782	1,18,042
Arakan	1864-65	80,04,094	58,51,727	1,38,55,821	4,09,199
	1865-66	83,30,288	76,35,730	1,59,66,018	3,79,579
Grand Total, British Burmah	1864-65	5,54,47,623	4,79,69,715	10,34,17,338	20,38,656
	1865-66	5,56,83,858	5,17,69,459	10,74,53,317	18,95,363
Increase ...		2,36,235	37,99,744	40,35,979	...
Decrease ...		...	...	...	1,43,293

Increase in Trade.

4. From the above Table it will be seen that there has been a slight increase in the value of the exports and a very considerable increase in that of the imports, and that the total of the two has risen from £10,341,733 in 1864-65 to £10,745,331 in 1865-66, giving a total increase of £403,597. There has been an increase in each Division of the Province, but the greatest has been in the Arakan and the least in the Pegu Division.

Principal parts of the world with which sea-borne trade is carried on.

5. The following Tables show the principal parts of the world with which the sea-borne trade is carried on, grouped into, *first*, Home Ports within the territory of the Government of India; *second*, all Foreign Ports, but including Aden and the Straits Settlements; *third*, the Ports of British Burmah :—

Exports of British Burmah.

	Home Ports.	Foreign Ports.	British Burmah Ports.	Grand Total.
	Value Rs.	Value Rs.	Value Rs.	Value Rs.
Merchandize	92,88,636	2,81,67,058	34,58,235	4,09,13,929
Treasure	25,12,564	60,404	38,52,971	64,25,939

Imports of British Burmah.

Merchandize	1,52,92,230	74,89,877	36,67,340	2,64,49,447
Treasure	1,36,32,967	13,68,880	30,63,102	1,80,64,949

The trade of each Division will now be remarked upon separately.

Trade of the Pegu Division.

6. The trade of Pegu consists of *first*, sea-borne, *second*, inland trade. It is only in this Division that any record is kept of inland trade.

The inland trade of Pegu consists of imports and exports from and to the Burmese territory by the Rivers Irrawaddy and Sittang. It is only on the sea-borne trade that customs duty is levied.

Pegu sea-borne trade.

7 The following Table shows the value of the sea-borne trade of Pegu for 1865-66 as compared with 1864-65 :—

Years.	Value of Exports.	Value of Imports.	Total Value of Exports and Imports.	Amount of Customs Duty.
	Rs.	Rs.	Rs.	Rs.
1864-65	2,93,34,735	2,82,83,930	5,76,18,665	14,96,531
1865-66	2,89,05,707	2,83,69,757	5,72,75,464	13,97,742
Increase	...	85,827	...	...
Decrease	4,29,028	...	3,43,201	98,789

From the above Table it will be seen that there has been a decrease in the value of exports and imports to the amount of Rs. 3,43,201, and a falling-off in customs duty to the amount of Rs. 98,789. The decrease in customs duty is large, however, in proportion to the decrease in the value of exports and imports, and is partly owing to a great increase in the quantity of free articles imported during the past year, and partly to a great decrease in many articles of export, especially in the export of rice, the cause of which will be noted further on. There was no decrease in the total value of articles imported. The following are the articles of export in which there was a decrease :—

Pegu Exports by Sea—Copper.

8. The exports of copper were as follows :—

	Quantity.	Value.
	Mds.	Rs.
1864-65	2,451	78,878
1865-66	1,370	28,633
Decrease... ...	1,081	50,245

Copper is imported into British Burmah from Upper Burmah, being brought there from the Chinese Province of Yunán. It is again exported to Indian Ports. The decrease in the quantity exported is owing to a decrease in the imports.

Cotton, raw.

9. The exports in 1864-65 were 75,766 maunds valued at Rs. 24,28,099, and in 1865-66, 75,986 maunds valued at Rs. 16,12,239, showing a slight increase in quantity, but a decrease in value to the amount of Rs. 8,15,860. The decrease in value is no doubt owing to the termination of the war in America. A portion of this cotton is brought into Pegu from the Burmese territory, but about two-thirds of the quantity exported is grown in Pegu.

Cutch.

10. There was a great falling off in the export of cutch, the exports being 83,223 maunds valued at Rs. 4,07,011 in 1865-66, against 1,16,925 maunds valued at Rs. 5,67,095 in 1864-65, showing a decrease in quantity of 33,702 maunds, and in value of Rs. 1,60,084. The decrease in this article is partly owing to a decrease in the quantity imported from Upper Burmah for export at Rangoon, and partly owing to a decrease in the quantity manufactured in Pegu.

Hides.

11. In hides there was a falling off in quantity to the number of 5,068, but an increase in value to the amount of Rs. 10,663.

Jade Stones.

12. In jade stones there was a falling off of 59 maunds valued at Rs. 6,232. The decrease is so trifling that it does not call for any remark. This substance is sent to China.

Orpiment, Yellow.

13. There was a falling off in the export of yellow orpiment to the extent of 738 maunds.

Petroleum.

14. In petroleum there was a decrease in quantity to the extent of 2,547 maunds and in value of Rs. 63,760. The exports were in 1864-65, 59,317 maunds valued at Rs. 2,27,337, against 56,770 maunds valued at Rs. 1,63,577 in 1865-66. The cause of this decrease is not explained, and as there was an increase in the imports from the Burmese territory of 79,286 maunds, an increase in the exports might have been expected.

Rice and Paddy.

15. There is a considerable falling off in the exports of rice and paddy, but this was to be expected, as the quantity exported in 1864-65 was unusually large, far beyond what had been exported in any previous year, owing to a scarcity in the Eastern Provinces of China and export from Siam being prohibited. Ships from China that generally went to Bangkok for rice therefore came to the Ports in British Burmah instead. The quantity exported during 1865-66 was nevertheless very great, far beyond the exports of any previous year, except 1864-65.

The exports were as follows:—

	Quantity. Tons.	Value. Rs.
1864-65	3,23,495	1,77,57,655
1865-66	2,76,589	1,71,35,668
Decrease ...	46,906	6,21,987

Considering the difficulties which Agriculturists had to contend against consequent on the cattle plague of 1865-66, it is wonderful that so much rice was available for export.

Stick Lac.

16. There was a decrease in the export of stick lac in quantity to the amount of 3,051 maunds and in value to that of Rs. 39,514.

Timber.

17. In the export of timber also there was a slight falling off as below:—

	Quantity. Tons.	Value. Rs.
1864-65	26,373	14,64,845
1865-66	24,178	14,45,416
Decrease	2,195	19,429

In the following exports there was an increase :—

Horns.

18. The export of horns was as follows :—

	Number.	Value. Rs.
1864-65	37,431	12,234
1865-66	74,147	18,281
Increase ...	36,716	6,047

The increase in the export of horns is owing to a very destructive murrain which occurred among the cattle during the past year, in which it is computed that no less than 1,00,000 head of cattle were carried off. The same cause that led to the increase in the quantity of horns exported, led also no doubt to their depreciation in value.

Ivory.

19. The exports of ivory rose from 133 maunds valued at Rs. 31,895 in 1864-65, to 154 maunds valued at Rs. 38,935, showing a slight increase in 1865-66.

Lead.

20. There was a large increase in the export of lead. The figures for 1864-65 and 1865-66 are as follows :—

	Quantity. Mds.	Value. Rs.
1864-65	366	9,362
1865-66	2,714	19,369
Increase ...	2,348	10,007

This was owing to a similar increase in the imports from Upper Burmah. The lead is brought from the Shan States tributary to Burmah.

Precious Stones.

21. There was an increase of Rs. 48,995 in the export of precious stones, the exports being in 1864-65 stones to the value of Rs. 3,41,550, and in 1865-66 to the value of Rs. 3,90,545. Still the number of precious stones, rubies and sapphires, shown in the Trade Returns, is no doubt very much below the real number exported.

Pegu Imports by Sea.

22. There was an increase in the value of imports to nearly one lakh of Rupees, the imports being to the value of Rs. 21,18,015 in 1865-66, against Rs. 20,32,188 in 1864-65.

Betel-nut.

23. There was an increase in quantity of 73,173 maunds, and in value of Rs. 4,49,278. The imports in 1865-66 were 1,67,352 maunds valued at Rs. 10,32,144.

Crockery-ware.

24. The value of crockery-ware imported rose from Rs. 93,857 in 1864-65 to Rs. 2,21,923 in 1865-66.

Cutlery.

25. There was an increase in the value of cutlery imported to the amount of Rs. 35,270.

Hardware.

26. The value of hardware imported rose from Rs. 1,89,998 in 1864-65 to Rs. 2,96,396 in 1865-66.

Piece Goods, Cotton.

27. There was a very considerable increase of imports under this head, the value of the imports being in 1865-66 Rs. 38,06,581, against Rs. 30,71,653 in 1864-65.

Piece Goods, Woollen.

28. The value of the imports was in 1865-66 Rs. 11,24,260, against Rs. 10,60,355 in 1864-65, showing an increase of Rs. 63,905.

Spirituous Liquors.

29. The value of spirituous liquors imported rose from Rs. 1,97,162 in 1864-65 to Rs. 3,02,378 in 1865-66.

Sugar.

30. In the imports of sugar there was an increase in quantity of 22,098 maunds, and in value of Rs. 1,69,504.

Timber.

31. There was a slight increase under this head in quantity of 291 tons and in value of Rs. 16,963.

Tobacco.

32. There was a very considerable increase in the import of tobacco, the imports being 1,95,964 maunds, valued at Rs. 6,05,784 in 1865-66, against 50,539 maunds, valued at Rs. 5,66,311 in 1864-65.

Cotton Twist and Yarn.

33. There was a decrease in the imports of cotton twist and yarn to the value of Rs. 1,23,163, and in gunny bags to the value of Rs. 1,72,027.

Gunny Bags.

The decrease in the importation of gunny bags is owing to the large decrease in the export of rice. In 1864-65, owing to a large increase in the exportation of rice, there was a corresponding increase in the importation of gunny bags, and the contrary in 1865-66.

Piece Goods, Silk.

34. There has been a falling off in imports under this head to the value of Rs. 3,17,194, owing, it is believed, to the market being overstocked.

Silk, Raw

35. There was also a falling off in the imports of raw silk to the value of Rs. 82,818.

Inland Trade of Pegu.

36. The following Table shows the value of the exports and imports and duty realizable thereon for the years 1862-63 to 1865-66 inclusive:—

These four years are given in order to show the trade before and since the treaty with Burmah. That treaty took effect as regards frontier duties on the British side in June 1863. The year 1863-64, therefore, was the first year when the abolition of duty took effect.

Years.	Value of Exports.	Value of Imports.	Total Value of Exports and Imports.	Duty realizable.	REMARKS.
	Rs.	Rs.	Rs.	Rs.	
1862-63 ...	50,18,028	42,88,756	93,06,784	5,91,390	The whole duty realized.
1863-64 ...	63,27,788	49,61,549	1,12,89,337	6,95,322	Rs. 94,359 only realized.
1864-65 ...	88,53,465	63,66,324	1,52,19,789	8,09,585	No duty levied.
1865-66 ...	83,43,990	72,55,063	1,55,99,053	7,61,792	Ditto.

From the Table it will be seen that there has been a total increase in the value of inland exporte and imports during the year to the amount of Rs. 3,79,264. The increase is entirely owing to ths increase in imports, as there was a decrease in exports to the value of Rs. 5,09,475. The increase in the total value of exports and imports is satisfactory, and, as remarked in last year's Report, there is no doubt that the abolition of the frontier duties on the British side has given a great impetus to trade. The third year of the abolition of the frontier duties shows an increase in the value of the trade amounting to 67 per cent. over the last year of the existence of the duties.

Inland Exports.

37. In the following exports there was a decrease:—

In Ngapee or fish paste and dried fish a decrease of 1,29,716 maunds, the exports being 3,96,035 maunds valued at Rs. 14,15,585 in 1865-66, against 5,25,751 maunds valued at Rs. 18,50,296 in 1864-65.

In silk and woollen piece goods there was a decrease in quantity and in value, while in cotton piece goods there was an increase in quantity but a decrease in value.

In the exportation of rice, husked and unhusked, there was a decrease of 31,675 tons, the exports being 27,904 tons only in 1865-66, against 59,579 tons in 1864-65. No express cause has been assigned for this great decrease in the export of rice, but it is believed that it was chiefly owing to the greatly higher price in Pegu, but partly to the rice crops being better in Upper Burmah during the past than in the previous year.

In salt there was a slight decrease. The export of raw silk was about the same as in the previous year.

In the export of betel-nut there was an increase of 3,625 maunds, and of cotton and twist to the extent of 194,834 lbs. In the export of crockery-ware there was also a great increase, the value of exports being Rs. 2,05,274 in 1865-66, against Rs. 77,514 in 1864-65.

Land Imports.

38. There was an increase of imports from the Burmese territory of cotton and silk piece goods, also of lead, petroleum, timber, gold leaf, and ponies; but a decrease in the imports of copper, raw cotton, cutch, hides, sessamund oil, and tobacco.

The other articles of import remained much the same as in the previous year. The value of cotton piece goods imported during the year was Rs. 9,70,295, against Rs. 9,12,200 in the previous year, and of silk piece goods Rs. 10,82,455, against Rs. 7,77,971.

The quantity of petroleum imported was 1,74,312 maunds, against 95,026 maunds in the previous year, and of timber 16,654 tons, against 6,946 tons. In the imports of copper there was a decrease of 360 maunds, of raw cotton 14,289 maunds, and of cutch 13,739 maunds. In sessamund oil there was a decrease of 6,373 maunds. The falling off in the import of tobacco was very great indeed, the imports being 1,699 maunds valued at Rs. 8,978 in 1865-66, against 18,008 maunds valued at Rs. 53,736 in the previous year. The decrease is attributed to the Indian tobacco being preferred to the leaf grown in Burmah. As previously noted in the remarks on the sea-borne trade of Pegu, there was a very great increase during the past year in the quantity of tobacco imported by sea.

Sea Imports declared for export by the Irrawaddy River to or beyond the Burmese territory.

39. Goods to the value of Rs. 22,737 only, declared for export into Burmese territory, under Article 4 of the treaty with Burmah, were imported into Rangoon. On these a duty of one per cent. *ad valorem* was levied instead of the duty to which they would otherwise have been liable. No goods declared for export to other territories and not for sale in the Burmese territories were entered at the Rangoon Custom House.

Trade of the Tenasserim Division.

40. There has been a general increase both in the exports and imports in the Tenasserim Division during the year.

The following Statement shows the value of exports from and imports to the several ports, and also the customs duty of the Tenasserim Division in 1865-66 as compared with 1864-65:—

Years.	Value of Exports.	Value of Imports.	Total Value of Exports and Imports.	Customs Duty.
	Rs.	Rs.	Rs.	Rs.
1864-65	92,55,329	74,67,734	1,67,23,063	1,32,926
1865-66	1,01,03,873	85,08,909	1,86,12,782	1,18,042
Increase ...	8,48,544	10,41,175	18,89,719	.....
Decrease ...	.....	.....	.....	14,884

The above shows a satisfactory increase in the value both of the imports and exports. The decrease in customs duty is owing partly to a reduction in the rates of duty upon grain, and partly to goods during the year shipped from Europe for Moulmein having reached Rangoon first and paid duty there.

Exports, Tenasserim.

41. In teak timber, which is the principal export, there was an increase. The quantity exported in 1865-66 was 1,19,055 tons valued at Rs. 73,70,004, against 1,14,613 tons valued at Rs. 68,42,514 in 1864-65, the increase being 4,442 tons valued at Rs. 5,27,490.

In the export of rice, husked and unhusked, there was an increase of 1,168 tons, and in value of Rs. 1,27,667. The quantity exported was 27,014 tons in 1865-66, against 25,046 tons in 1864-65.

In raw cotton there was also a considerable increase, the exports being 15,872 maunds in 1865-66, against 4,441 maunds in 1864-65. In hides there was an increase in number of 2,735 and in value of Rs. 6,866, and in horns in number of 5,882. In tobacco there was an increase in exports of 3,521 maunds.

Imports, Tenasserim.

42. There was an increase in the imports of cotton twist and yarn of 11,203 lbs; in gunny bags of 51,309. The increase in the import of gunny bags is no doubt attributable to the increase in the export of rice. In piece goods, cotton, there

was an increase of 56,343 pieces, in piece goods, silk, of 3,280, and in piece goods, woollen, of 22,607 pieces. In sugar there was an increase of 2,577 maunds. In crockery-ware there was an increase in value to the amount of Rs. 9,341, and in cutlery to the amount of Rs. 36,811. In tobacco there was a decrease to the extent of 13,168 maunds, and in wines, beer, &c., to the value of Rs. 18,985.

Trade of the Arakan Division.

43. The following Statement shows the value of exports from and imports to Arakan in 1865-66 as compared with 1864-65 :—

Years.	Value of Exports.	Value of Imports.	Total Value of Exports and Imports.	Customs Duty.
	Rs.	Rs.	Rs.	Rs.
1864-65	80,04,094	58,51,727	1,38,55,821	4,09,199
1865-66	83,30,288	76,35,730	1,59,66,018	3,79,579
Increase	3,26,194	17,84,003	21,10,197	...
Decrease	...	...	...	29,620

From the above Table it will be seen that there has been a considerable increase in the value of exports and imports in the Arakan Division, but chiefly in the imports. In customs duty there was a falling-off to the amount of Rs. 29,620. The decrease in duty arose from a less quantity of grain having been exported to Foreign Ports, and to a considerable quantity having been exported to Home Ports, owing to the want of grain in portions of Bengal and Madras, and partly to the decrease in customs duty on grain as authorized by Act XXV of 1865. By this Act the duty on grain was reduced from 3 to 2 annas per maund. A considerable quantity was exported paying 3 annas a maund during the last month of 1864-65. But during the first two months of 1865-66 a comparatively small quantity was exported at that rate, which was then reduced. Hence there was a decrease in the customs duty of the Arakan Division to the amount of Rs. 21,058.

Arakan Exports.

44. There was a net increase in the value of exports from Arakan to the amount of Rs. 3,26,194. This increase is mainly due to an increase in the export of rice husked and unhusked, the exports of which rose from 1,21,077 tons valued at Rs. 57,18,786 in 1864-65, to 1,22,594 tons valued at Rs. 60,70,606 in 1865-66, showing an increase in quantity of 1,517 tons and in value of Rs. 3,51,825. The Commissioner of the Division reports that the export would have been much greater but for cholera breaking out at Akyab, which for a time dispersed the labourers. In timber there was also an increase in quantity of 884 tons and in value of Rs. 41,762. The exportation of raw cotton also rose from 1,396 maunds valued at Rs. 16,713 in 1864-65, to 4,862 maunds valued at Rs. 32,794 in 1865-66. In no other item of export was there any large increase.

In the following articles of export there was a decrease :—

In copper a decrease of 56 maunds valued at Rs. 1,553. Cutch, a decrease in quantity of 2,549 maunds and in value of Rs. 11,015. In hides a decrease in number of 3,385 and in value of Rs. 3,528. In tobacco there was a decrease of 3,262 maunds and in value of Rs. 14,334.

Arakan Imports.

45. In imports there was a net increase in value to the amount of Rs. 17,84,003. The following are the articles of import in which there was an increase :—Cotton twist and yarn rose from 1,31,056 lbs. valued at Rs. 3,27,437 in 1864-65, to 2,01,972 lbs. valued at Rs. 4,39,290 in 1865-66, showing an increase in value of Rs. 1,11,853. In gunny bags there was an increase in value to the amount of Rs. 1,12,601. This increase was doubtless caused by the increase in the export of rice. In piece goods, silk, there was an increase in value to the amount of Rs. 29,222, and in piece goods, woollen, an increase to the amount of Rs. 18,024. The above are the principal articles of import in which there was an increase. On the following articles there was a decrease :—In the import of betel-nut a decrease in quantity of 5,598 maunds. In cotton piece goods a decrease in value of Rs. 1,23,352, and in tobacco a decrease in quantity of 6,215 maunds and in value of Rs. 73,922. There are no other articles of import on which there was any note-worthy decrease.

Introduction of Acts during the year and their effects in British Burmah.

46. By Act XXV of 1865, being an Act to amend the law relating to customs duties, the export duty on grain was reduced from 3 to 2 annas the maund. This reduced rate came into force in British Burmah on the 26th June 1865. By the same Act the export duty on hides was abolished. Duty was previously levied at 2 per cent. *ad valorem*. Schedule B of Act XXV of 1865 was again amended by Act XVIII of 1866. The effect of the amendment was to alter the rate of duty on saltpetre exported by sea from 1 Rupee the Indian maund to 3 per cent. *ad valorem*.

Act XVIII of 1866 came into force on the 24th March 1866.

X A.—*Statement showing the principal Articles of Export entered at the Sea*

Number.	ARTICLES.	Unit of Weight or Number	EXPORTS											
			PEGU DIVISION.								TENASSERIM			
			To Home or Internal Ports subject to the Government of India, but excluding Straits and Aden and the Ports of British Burmah		To Foreign or External Ports not subject to the Government of India, but including the Straits and Aden.		To Ports within the territory of British Burmah, including the Ports of the Andaman Islands and Dependencies.		TOTAL.		To Home or Internal Ports subject to the Government of India, but excluding Straits and Aden and the Ports of British Burmah.		To Foreign or External Ports not subject to the Government of India, but including the Straits and Aden.	
			Quantity.	Value Rupees.	Quantity.	Value Rupees.	Quantity.	Value Rupees.	Quantity.	Value Rupees.	Quantity.	Value Rupees.	Quantity.	Value Rupees.
1	Copper	Mds.	1,268	28,068	...	...	102	565	1,370	28,633	259	9,125	...	...
2	Cotton. Raw ...	"	15,621	1,64,088	59,650	14,43,535	715	4,616	75,986	16,12,239	11,940¼	33,885	122	3,002
3	Cutch .	"	28,341	1,45,612	54,197	2,57,260	685	4,139	83,223	4,07,011	104½	558	..	...
4	Hides ...	Nos.	1,117	1,179	43,109	73,033	132	2,321	45,554	76,533	72	72	2,549	3,963
5	Horns ..	"	...	...	74,147	18,281		...	74,147	18,281	...	...	9,236	2,034
6	Ivory ...	Mds.	124	32,155	28	6,380	2	400	154	38,935	6¾	1,397	¾	155
7	Jade Stones ...	"	3	300	773	77,308	..	...	776	77,608	...	...	...	...
8	Lead ...	"	1,260	8,600	1,067	7,200	387	3,569	2,714	19,369	...	...	...	
9	Orpiment, Yellow ..	"	1,747	52,373	445	9,889	...	...	2,192	62,262	...	...	...	
10	Petroleum ...	"	3,932	11,875	45,305	1,22,429	7,533	29,273	56,770	1,63,577	52	266	...	...
11	Rice and Paddy ...	Tons.	13,264	6,03,406	2,63,300	1,65,30,905	25	1,357	2,76,589	1,71,35,668	10,788½	3,57,499	16,072½	8,01,736
12	Stones, Precious ...	...	...	3,81,425	.	7,800	...	1,320	...	3,90,545	...	...	...	.
13	Stick Lac ...	Mds	2,377	19,474	356	5,486	126	1,129	2,859	26,089	197¼	1,505	2 1/10	31
14	Timber ...	Tons.	19,022	11,38,417	5,115	3,04,575	41	2,424	24,178	14,45,416	72,432	43,09,618	42,751⅓	28,14,049
15	Tobacco ...	Mds	210	14,838	181	3,935	2,085	23,108	2,476	41,881	231½	4,131	1,171¾	19,139
16	Treasure—													
	For Government..	Rs.	...	...	...	...	...	...	...	...	...	...	...	...
	For Private Parties	"	...	14,34,175		21,200	...	30,15,382	...	44,70,757	...	22,500	..	39,204
17	All other Articles not enumerated above ...	"	.	5,92,551	...	3,19,757	...	20,68,595	..	28,90,903		2,30,376	...	1,33,130
	Total Rupees ..	...		45,38,536	...	1,92,08,973		51,58,198	...	2,89,05,707		49,70,932	...	38,19,443

Custom Houses of British Burmah during the year 1865-66 *(excluding fractions).*

BY SEA.

DIVISION.				ARAKAN DIVISION									
To Ports within the territory of British Burmah, including the Ports of the Andaman Islands and Dependencies.		TOTAL		To Home or Internal Ports subject to the Government of India, but excluding Straits and Aden and the Ports of British Burmah		To Foreign or External Ports not subject to the Government of India, but including the Straits and Aden		To Ports within the territory of British Burmah, including the Ports of the Andaman Islands and Dependencies		TOTAL		GRAND TOTAL IN QUANTITY AND VALUE.	
Quantity.	Value Rupees	Quantity.	Value Rupees.	Quantity.	Value Rupees.	Quantity	Value Rupees	Quantity	Value Rupees	Quantity	Value Rupees	Quantity	Value Rupees
1¼	200	260¼	9,325	47	1,191		...	4	200	51	1,391	1,681¼	39,349
3,810½	39,201	15,872¾	76,088	4,719	23,347	1,143	9,147	..		4,862	32,794	96,720¼	17,21,121
17¼	120	122	678	3,250	24,942	...		.	..	3,250	24,942	86,595	4,32,631
2,173	6,800	4,794	10,835	4,485	3,891	325	551	15	150	4,825	4,595	55,173	91,963
470	301	9,706	2,338	8,390	1,095	100	32	...	...	8,490	1,127	92,343	21,746
38¼	765	45¾	2,317	2	180			7	500	9	680	208¼	41,932
..	...		...	...					...			776	77,608
	...			35	520	...	...	32	392	67	912	2,781	20,281
.	...	...					...	...	.			2,192	62,262
185	957	237	1,223			..		31	272	31	272	57,038	1,65,072
153¼	5,824	27,014½	11,68,039	16,951	9,53,999	1,05,643	31,16,607		...	1,22,594	60,70,606	4,26,197¾	2,43,74,333
.			...	..	...	...					...	...	3,90,545
46¼	706	245¾	2,242	...		...			...	...		3,104¾	28,331
4,052¼	2,46,337	1,19,055¾	73,70,004	1,919	1,07,307	..			...	1,919	1,07,307	1,45,152¾	89,22,727
4,751	28,357	6,154¼	51,627	3,374	35,462	44	220	3,119	28,323	6,537	64,005	15,167¼	1,57,513
	1,12,500	...	1,12,500	...	5,10,000	...		..	3,06,000	...	8,16,000	...	9,28,500
	48,374	..	1,10,078	...	5,45,889				3,70,715	...	9,16,604		54,97,439
	8,23,053	...	11,86,559		83,906	...	72,189	...	1,32,958	...	2,89,053	.	43,66,515
...	13,13,498	..	1,01,03,873	...	22,91,722		51,99,046		8,39,510		83,30,288		4,73,39,868

X B.—*Statement showing the principal Articles of Import entered at the Sea*

Number.	ARTICLES.	Unit of Weight or Number.	IMPORTS — PEGU DIVISION. From Home or Internal Ports subject to the Government of India, but excluding the Straits and Aden and Ports of British Burmah. Quantity.	Value Rupees.	From Foreign or External Ports not subject to the Government of India, but including the Straits and Aden. Quantity.	Value Rupees.	From Ports within the territory of British Burmah, including the Ports of the Andaman Islands and Dependencies. Quantity.	Value Rupees.	TOTAL. Quantity.	Value Rupees.	TENASSERIM — From Home or Internal Ports subject to the Government of India, but excluding the Straits and Aden and Ports of British Burmah. Quantity.	Value Rupees.	From Foreign or External Ports not subject to the Government of India, but including the Straits and Aden. Quantity.	Value Rupees.
1	Betel-nut	Mds.	1,30,763	8,25,769	27,427	90,497	9,172	1,15,878	1,67,352	10,32,144	6,722	68,731	7,708	25,081
2	Cotton Twist and Yarn	lbs.	5,88,529	6,70,853	7,32,270	9,47,784	14,110	16,150	13,34,909	16,34,787	42,785	48,620	16,403	20,953
3	Crockery-ware ...	...	...	24,897	...	1,96,083	.	943	...	2,21,923		4,948	.	11,592
4	Cutlery	...		99,066	...	3,788		220		1,03,074	...	80,304	...	1,017
5	Gunny Bags	Nos.	31,83,845	11,72,552	4,06,370	66,489	1,85,971	63,861	37,75,186	13,02,902	53,400	21,222	16,020	4,649
6	Hardware	...		2,71,975	...	23,291	...	1,130		2,96,396	.	31,061	...	9,647
7	Piece Goods, Cotton	Pcs.	3,02,591	21,02,320	5,47,333	13,00,363	19,131	1,03,898	8,69,355	38,06,581	66,731	3,78,433	78,911	95,022
8	Piece Goods, Silk...	,,	2,12,840	12,90,766	1,99,359	10,25,698	3,806	32,716	4,16,005	23,49,180	10,978	78,638	2,976 Yards 614	22,829
9	Piece Goods, Woollen ...	,,	12,653	8,70,113	11,615	2,36,207	201	17,940	24,742	11,24,260	26,436	71,001	217 Yards 12,267	13,254
10	Silk, Raw ...	lbs.	97,755	5,62,695	6,206	31,167	2,512	12,150	1,06,473	6,06,012	...	...	157	874
11	Spirituous Liquors	Gals.	11,248	80,567	31,686	2,20,541	160	1,270	43,094	3,02,378	693	6,057	6,183 43/64	49,519
12	Sugar	Mds.	26,492	2,55,815	4,020	31,542	5,659	26,017	36,171	3,13,374	7,436	83,706	1,101	5,937
13	Timber	Tons	...	...	46	2,497	1,896	1,14,068	1,942	1,16,565		...	...	
14	Tobacco ...	Mds	1,90,688	5,49,986	264	11,034	5,012	44,764	1,95,964	6,05,784	14,675½	1,04,543	168¼	8,788
15	Treasure—													
	For Government	Rs.		1,21,000	...	...	...	50,000		1,71,000	.	43,500	...	...
	For Private Parties	,,		82,50,248	...	10,98,812		3,71,290		97,20,350		10,27,535		2,19,568
16	Wines, Beer, &c. ...	Gals	5,749	21,190	3,23,895	4,77,715	81	625	3,29,725	4,99,530	1,077	9,197	15,108 43/64	50,275
17	All other Articles not enumerated above	Rs.	..	18,69,530	...	19,08,484		3,25,503	...	41,63,517	...	6,06,028	...	3,93,188
	Total Rupees ...	..	...	1,93,39,342	...	77,31,992		12,98,423		2,83,69,757	...	26,63,533	..	9,70,293

Custom Houses of British Burmah during the year 1865-66 *(excluding fractions).*

BY SEA.

DIVISION.				ARAKAN DIVISION.									
From Ports within the territory of British Burmah, including the Ports of the Andaman Islands and Dependencies.		TOTAL		From Home or Internal Ports subject to the Government of India, but excluding the Straits and Aden and Ports of British Burmah		From Foreign or External Ports not subject to the Government of India, but including the Straits and Aden.		From Ports within the territory of British Burmah, including the Ports of the Andaman Islands and Dependencies		TOTAL.		GRAND TOTAL IN QUANTITY AND VALUE.	
Quantity.	Value Rupees.	Quantity	Value Rupees.	Quantity.	Value Rupees.	Quantity.	Value Rupees.	Quantity.	Value Rupees.	Quantity.	Value Rupees.	Quantity.	Value Rupees.
1,743	38,099	19,173	1,31,911	13,722	1,12,932	142	495	6	30	13,870	1,13,457	2,00,395	12,77,512
1,07,045	1,71,185	1,66,233	2,40,767	1,98,232	4,29,990		...	3,740	9,300	2,01,972	4,39,290	17,03,111	23,14,844
	10,865		27,405	1,29,022	13,655	1,634	506	27,938	1,225	1,58,594	18,386	.	2,67,714
...	3,822		85,143	117	3,140			...	.	117	3,140	...	1,91,357
97,145	27,541	1,66,565	53,412	17,23,453	5,36,017	1,54,800	42,510	...	...	18,78,253	5,78,527	58,20,004	19,34,841
.	11,582		52,290	116	1,431	...	806	...		116	5,237		3,53,923
1,63,961	7,35 815	3,09,603	12,09,270	1,13,794	7,41 207	912	2,254	32,141	1,18,190	1,46,877	8,61,651	13,25,835	58,80,502
30,659	2,88,658	44,613 Yards 611	3,90,125	6,388	67,722	.		3,625	31,980	10,013	99,702	4,70,631 Yards 611	28,39,007
4,161	1,89,784	30,814 Yards 12,262¼	2,74,039	1,136	19,113	.		620	5,200	2,056	24,313	57,612 Yards 12,262¼	11,22,612
2,846	18,520	3,003	19,399	10	80	...	...	...		10	80	1,09,486	6,25,491
1,138	13,217	8,01 143/16	68,792	706	4,245	1,567	3,738	575	3,131	2,848	11,114	53,956 43/16	3,82,285
243	2,713	8,780	91,156	1,701	19,743	...	14	.		1,701	19,757	46,652	1,24,587
Slabs 20 Shingles 10,000	10 240	Slabs 20 Shingles 10,000	10 240	3,503	3,624	16,151	8,279	6,837	21,374	26,491	33,277	28,433 Slabs 20 Shingles 10,000	1,50,092
7,028¼	69,728	21,872	1,83,054	13,565	1,30,410	27	613	820	7,370	14,412	1,38,393	2,32,218	9,27,231
...	31,500		78,000	...	3,36,959	...	...	. .	2,01,985		5,38,941	...	7,87,941
	24,02,327	...	36,79,430		38,53,725	...	20,500		3,000		38,77,225		1,72,77,005
7,323	25,419	23,508 3/16	93,891	1,609	18,575	3,744	9,968	419	1,091	8,772	32,631	3,62,005 3/16	6,26,055
	8,31,058		18,30,274		6,23,754	...	66,789	...	1,47,060	...	8,37,603		18,31,394
..	48,75,083	..	85,08,909	...	69,22,322		1,56,472		5,56,936	..	76,35,730	.	1,45,14,396

X C.—*Statement showing the principal Articles of Export and Import and the Value thereof entered*

PEGU

EXPORTS BY LAND (RIVER INCLUDED) FROM BEYOND FRONTIER

No.	Names of Articles	Unit of Weight or Number	Quantity.	Value Rupees
1	Betel-nut	Maunds.	28,476	3,50,354
2	Cotton Twist and Yarn	lbs.	10,93,744	9,43,314
3	Crockery-ware	...	.	2,05,274
4	Ngapee, Dried Fish, &c.	Maunds.	3,96,035	14,15,585
5	Piece Goods, Cotton	Pieces.	3,59,780	9,91,421
6	Piece Goods, Silk	„	86,231	7,52,239
7	Piece Goods, Woollen	„	53,874	1,93,046
8	Rice and Paddy	Tons.	27,904	11,56,433
9	Salt	Maunds.	2,05,618	3,13,379
10	Silk, Raw	lbs.	87,480	6,00,577
11	All other Articles not enumerated above	..	...	13,89,368
	Total Value, Rupees ...	...	...	83,43,990

at the Inland Custom Houses of British Burmah, for the Official Year 1865-66 *(fractions omitted).*

DIVISION.

IMPORTS BY LAND (RIVER INCLUDED) FROM BEYOND FRONTIER.

No.	Names of Articles	Unit of Weight or Number.	Quantity.	Value Rupees.	Grand Total of Exports and Imports, Rupees.	Remarks.
1	Copper	Maunds.	1,172	28,341		
2	Cotton, Raw	"	21,110	3,75,930		
3	Cutch	"	50,647	1,79,362		
4	Dyes	"	3,831	21,960		
5	Earthen-ware	.	..	16,431		
6	Gold Leaf	Packets.	17,180	28,033		
7	Gram	Maunds.	1,10,946	2,34,111		
8	Hardware and Cutlery	...		23,662		
9	Hides, Bullock and Buffaloe	Nos.	8,307	2,107		
10	Horns	"	1,075	142		
11	Indigo	Maunds.	717	1,740		
12	Jaggery and Molasses	"	1,55,309	1,55,095		
13	Lacquered-ware ..	...		3,90,590		
14	Lead	Maunds.	3,700	17,037		
15	Metal-ware		.	92,471		
16	Orpiment, Yellow	Maunds.	2,933	26,391		
17	Petroleum	"	1,71,312	3,06,193		
18	Piece Goods, Cotton	Pieces.	10,20,552	9,70,295		
19	Piece Goods, Silk	"	1,45,308	10,82,455		
20	Ponies	Nos.	1,918	1,85,383		
21	Stones, Jade (rough)	Maunds.	688	11,614		
22	Sessamund Oil	"	51,696	5,09,994		
23	Stick Lac	"	3,910	32,005		
24	Stones, Precious	...		55,980		
25	Sugar	Maunds.	3	17		
26	Tea, Dry	"	670	7,563		
27	Tea, Wet, Pickled	"	16,905	1,35,109		
28	Timber	Tons.	16,654	6,37,605		
29	Tobacco	Maunds.	1,699	8,978		
30	Wheat	"	31,953	87,450		
31	All other Articles not enumerated above ...	...	...	13,28,010	.	
	Total Value, Rupees. ...	.	...	72,55,063	1,55,99,053	

Y.—*Abstract Statement of the Value of Exports and Imports by Sea and Land from c[illegible] to realized or chargeable*

Division	Name of Custom House	To and from Home or Internal Ports subject to Government of India, but excluding the Straits and Aden and the Ports of British Burmah		To and from Foreign or External Ports not subject to Government of India, but including Straits and Aden		To and from Ports within the territory of British Burmah, including the Ports of the Andaman Islands and Dependencies		Total	
		Exports Rupees	Imports Rupees	Exports Rupees	Imports Rupees	Exports Rupees	Imports Rupees	Exports Rupees.	Imports Rupees
Pegu.	Rangoon .	44,20,741	1,92,04,887	1,61,33,643	76,60,216	51,50,669	9,69,662	2,60,05,053	2,78,34,765
	Bassein ...	1,17,795	1,34,455	27,75,330	71,776	7,529	3,28,761	29,00,654	5,34,992
	Total by Sea ..	45,38,536	1,93,39,342	1,92,08,973	77,31,992	51,58,198	12,98,423	2,89,05,707	2,83,69,757
	Thyetmyo		...			...		75,60,434	61,94,121
	Toungoo	...	...					7,83,556	10,60,942
	Total by Land ...	...	..	...				83,43,990	72,55,063
	Total of Pegu	45,38,536	1,93,39,342	1,92,08,973	77,31,992	51,58,198	12,98,423	3,72,49,697	3,56,24,820
Tenasserim	Moulmein	49,70,932	26,63,533	36,81,457	7,16,315	8,84,978	45,72,617	95,37,367	79,52,495
	Tavoy ...	.	...	1,91,406	1,96,028	1,87,785	1,54,111	3,19,191	3,50,139
	Mergui	...		6,580	57,950	2,40,735	1,48,325	2,47,315	2,06,275
	Total by Sea	49,70,932	26,63,533	38,19,443	9,70,293	13,13,498	48,75,083	1,01,03,873	85,08,909
Arakan.	Akyab	22,50,165	69,09,089	51,72,306	1,35,972	5,39,510	5,44,830	79,61,981	75,89,891
	Kyouk Phyoo ...	11,567	13,233	26,740	20,500	3,00,000	12,106	3,68,307	45,839
	Total by Sea ..	22,91,732	69,22,322	51,99,046	1,56,472	8,39,510	5,56,936	83,30,288	76,35,730
	Grand Total of the Province by Sea and Land ...	1,18,01,200	2,89,25,197	2,82,27,462	88,58,757	73,11,206	67,30,442	5,56,83,858	5,17,69,459

the Custom Houses of British Burmah during the year 1865-66, *with the amount of duty thereon, omitting fractions.*

Total Value for each Custom House.	Amount of Duty realized	Total Value in previous year	Total Duty in previous year	IMPORTS ON ACCOUNT OF GOVERNMENT.					REMARKS.
				ARTICLES	Pegu Division	Tenasserim Division.	Arakan Division	Total for British Burmah	
Rupees	Rupees	Rupees.	Rupees		Rupees	Rupees.	Rupees	Rupees	
5,38,39,818	11,98,336	5,47,19,578	12,70,418	Agricultural Implements .	200		...	200	
34,35,616	1,99,406	28 99,087	2,26,083	Commissariat Stores ...	2,65,708	...	...	2,65,708	
				Engineers' Stores	1,38,772	...	...	1,38,772	
5,72,75,464	13,97,742	5,76,18,665	14,96,531	Machinery	500	...	...	500	
				Military Stores	18,971	1,255	...	20,226	
1,37,51,555	...	1,38,27,008		Medical ditto	100	850	1,400	2,350	
				Opium	75,000	4,320	19,140	98,460	
18,14,198	...	13,92,781		Police		...	7,896	7,896	
				Stationery	4,700	57,428	4,135	66,263	
1,55,99,053		1,52,19,789	...	Stamps			38,350	38,350	
				Telegraph Stores .	6,601	50	21,930	28,584	
7,28,74,517	13,97,742	7,28,38,151	14,96,531	Timber	30	...	...	30	
				Treasure	1,71,000	78,000	5,38,944	7,87,944	
				Mathematical Instruments		...	...	...	
				Ordnance Stores	4,930		...	4,930	
1,74,89,862	1,03,377	1,56,78,556	1,16,395	Naval Stores	30,610	2,353	867	33,830	
6,69,900	13,039	5,95,045	14,041	Public Works Department Stores	...	...	1,000	1,000	
4,53,590	1,626	4,49,462	2,187						
				Total Rs. ...	7,17,125	1,44,256	6,34,662	14,95,043	
1,86,12,782	1,18,042	1,67,23,063	1,32,926						
				RECEIPTS NOT INCLUDED IN THE AMOUNT OF DUTY.					
1,55,51,872	3,77,849	1,37,61,145	4,09,199	Amount of Confiscation	3,365	21	...	4,568	
				Fines	1,182				
4,14,146	1,730	94,676		Fees	129	..	...	129	
				Bonded Warehouse Rent	3,344	...	...	3,344	
				Wharf Godown Rent	2,686	931	...	3,617	
1,59,66,018	3,79,579	1,38,55,821	4,09,199	Wharfage Rent	..				
				Sale of Printed Forms, &c.	142		...	142	
				Charge of Excess period of Extra Preventive Officers	1,350		...	1,350	
				Miscellaneous Collection ...	737	...	...	737	
10,74,53,317	18,95,363	1,03,41,738	20,38,656						
				Total Rs ...	12,935	952	...	13,887	

Z.—*Abstract Statement of Grain (Rice, husked and unhusked) and Timber exported from the Ports in*

Division	Number.	Port or Custom House and Nature of Articles.		To Foreign or External Ports not subject to the Government of India, but including the Straits and Aden.							
				United Kingdom.		Foreign Europe.		Straits Settlement.		To all other Foreign Ports.	
				Quantity	Value	Quantity.	Value	Quantity.	Value	Quantity	Value.
				Tons	Rs.	Tons.	Rs.	Tons	Rs	Tons	Rs
Pegu	1	Rangoon ...	Rice ...	84,979	54,99,792	3,629	2,30,252	73,859	48,52,195	49,402	31,20,167
	2		Paddy	217	8,621			403	16,793	831	32,454
	3		Timber ...	3,628	2,12,810	...		493	31,140	919	57,[illegible]
	1	Bassein ...	Rice ...	43,530	24,21,249	751	48,000	1,432	78,834	4,112	2,16,[illegible]
	2		Paddy ...	152	6,109			...	...	..	...
	3		Timber	31	2,480				...	13	[illegible]040
	1	Total by Sea	Rice	1,28,509	79,21,011	4,383	2,78,252	75,291	49,31,029	53,514	33,36,603
	2		Paddy ..	369	14,733	...		403	16,793	831	32,454
	3		Timber	3,659	2,15,290	...		493	31,140	962	58,145
	1	Thyetmyo	Rice			...		...			
	2		Paddy	...	..			...	...	..	
	3		Timber	...		.					...
	1	Toungoo . .	Rice .		...	...	..	...	...	...	...
	2		Paddy ...		...	...		..	...		...
	3		Timber ..		...	..	...	...	...	...	...
	1	Total by Land ...	Rice ...	.	.			...			. .
	2		Paddy		...	..		...			.
	3		Timber ..	...	.	..		...	...		...
	1	Total, Pegu Division	Rice ...	1,28,509	79,21,011	4,383	2,78,252	75,291	49,31,029	53,514	33,36,603
	2		Paddy ...	369	14,733			403	16,793	831	32,454
	3		Timber ..	3,659	2,15,290			493	31,140	962	58,145
Tenasserim.	1	Moulmein	Rice	6,836½	3,37,757	...	...	4,954½	2,79,917	806¼	43,334
	2		Paddy ...	¼	6		...	79	3,124	188¾	8,282
	3		Timber	39,429¼	26,17,393	882½	63,926	63½	3,175	2,195¼	1,29,555
	1	Tavoy ...	Rice	...	...		...	1,448	55,056	1,678	71,051
	2		Paddy ..	...	...		...			11	360
	3		Timber ...	...	...	...	..	...			...
	1	Mergui	Rice ..			...	. .	62	2,605	3	
	2		Paddy	...		...		2	75		
	3		Timber		...		...				
		Total, Tenasserim Division ...	Rice ...	6,836½	3,37,757	...	...	6,464½	3,37,578	2,487¼	1,17,554
			Paddy	¼	6	...		81	3,199	202½	8,642
			Timber ...	39,429¾	26,17,393	882½	63,926	63½	3,175	2,195¾	1,29,555
Arakan.	1	Akyab	Rice ..	99,417	48,22,974	1,181	64,414	3,755	1,79,973	635	22,506
	2		Paddy ...	...		...	...	...	...	. .	..
	3		Timber	...	...	..		...	...		...
	1	Kyouk Phyoo ...	Rice .	...	.	...	...	655	26,740		...
	2		Paddy ...			...	...	...	...	. .	...
	3		Timber	...		...	.	...			...
		Total, Arakan Division ..	Rice .	99,417	48,22,974	1,181	64,414	4,410	2,06,713	635	22,506
			Paddy ...	...	...		.		...	...	
			Timber ...	...	...	..		...	...	...	...
		Total for British Burmah ..	Rice ...	2,34,762½	1,30,81,772	5,564	3,42,666	86,165½	54,75,320	56,636¼	31,76,663
			Paddy ...	309¼	14,739	...	..	484	19,992	1,033½	41,096
			Timber ...	43,088¼	28,32,683	882½	63,926	556½	34,315	3,157¼	1,87,700

the several Divisions of the Province of British Burmah during the year 1865-66 *(excluding fractions).*

To Home or Internal Ports subject to the Government of India, but excluding the Straits and Aden and the Ports of British Burmah.		To Ports within the territory of British Burmah, including the Ports of the Andaman Islands and their Dependencies.		Total by Sea to all Ports.		Total by Land.		Total Quantity of Grain and Timber.	Total Value of Grain and Timber.
Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.		
Tons.	Rupees.	Tons.	Rupees.	Tons.	Rupees.	Tons.	Rupees.	Tons.	Rupees.
6,577	3,57,266	6	587	2,18,452	1,40,60,259	...	...	...	...
4,528	1,65,074	...	...	5,979	2,22,945	...	...	...	...
19,023	11,38,417	41	2,424	24,134	14,41,896	...	...	...	...
401	17,885	19	770	50,248	27,83,174	...	...	...	...
1,758	63,181	..	..	1,910	69,290	...	...	...	...
...	.	...	...	44	3,520	...	...	...	...
6,978	3,75,151	25	1,357	2,68,700	1,68,43,433	...	...	...	...
6,286	2,28,255	..	...	7,889	2,92,235	.	..	...	...
19,023	11,38,417	41	2,424	24,178	14,45,416	...	.	...	...
...	.	.	...	...		2,393	1,83,293	...	...
...	...	...	...	...		25,511	9,73,140	...	...
...		...	...	...		...		...	...
...	...	...	...	...	...	...	...	...	...
...	...	...	...	...	..	...	...	...	...
...	..	...	...	...	...	...	...	...	...
...	...	..	...	...	...	2,393	1,83,293	...	...
...	...	...	..	.	...	25,511	9,73,140	...	...
...	...	...	...	...	...	..	..	...	...
6,978	3,75,151	25	1,357	2,68,700	1,68,43,433	2,393	1,83,293	2,71,093	1,70,26,726
6,286	2,28,255	...	...	7,889	2,92,235	25,511	9,73,140	33,400	12,65,375
19,023	11,38,417	41	2,424	24,178	14,45,416			24,178	14,45,416
452 1/8	29,173	4 3/4	410	13,055	6,90,591	...	...	..	.
10,336	3,28,326	11 1/4	200	10,615 1/8	3,39,938	...	..	.	.
72,432	43,09,618	3,973 1/4	2,44,167	1,18,976 3/4	73,67,834	...	...	...	...
...	..	8 1/3	437	3,134 1/3	1,29,544	...	...	...	...
...	...	38 1/2	1,505	52 1/6	1,865	...	...	...	.
...	...	76	2,114	76	2,114	...	...	...	...
...	...	36	1,773	101	4,547	...	...	...	...
...	...	53 17/16	1,490	55 17/16	1,574	...	...	...	...
...	...	3	56	3	56	...	..	...	...
452 1/8	29,173	49 1/4	2,620	16,290 1/8	8,24,682	...		16,290 1/8	8,24,682
10,336	3,28,326	103 14/16	3,204	10,723 17/16	3,43,377		...	10,723 17/16	3,43,377
72,432	43,09,618	4,052	2,46,337	1,19,055 3/4	73,70,001	...	...	1,19,055 3/4	73,70,004
15,484	9,12,432		...	1,20,472	60,02,299	...	...	...	...
...	.	.	...	..	. .	...	...	..	
1,919	1,07,307	...	...	1,919	1,07,307	...	...	...	...
405	13,651	.	...	1,060	40,391	...	. .	.	...
1,062	27,916	.		1,062	27,916	..	...	...	.
...		. .				...			...
15,889	9,26,083			1,21,532	60,42,690			1,21,532	60,42,690
1,062	27,916	...	.	1,062	27,916		. .	1,062	27,916
1,919	1,07,307		..	1,919	1,07,307			1,919	1,07,307
23,319 1/8	13,30,407	74 1/4	3,977	4,06,522 1/8	2,37,10,805	2,393	1,83,293	4,08,915 1/8	2,38,94,098
17,681	5,84,497	103 14/16	3,204	19,674 17/16	6,63,528	25,511	9,73,140	45,185 17/16	16,36,668
93,374	55,55,342	4,093	2,48,761	1,45,152 3/4	89,22,727		...	145,152 3/4	89,22,727

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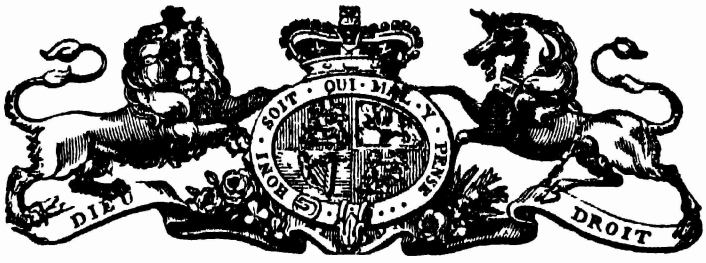

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CALCUTTA, SATURDAY, NOVEMBER 10, 1866.

Home Department.

LEGISLATIVE.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 24th October 1866, and is hereby promulgated for general information:—

ACT No. XXVII OF 1866.

To consolidate and amend the Law relating to the conveyance and transfer of property in British India vested in Mortgagees and Trustees, in cases to which English Law is applicable.

Preamble.

WHEREAS it is expedient to consolidate and amend the laws relating to the conveyance and transfer of moveable and immoveable property in British India vested in Mortgagees and Trustees, in cases to which English law is applicable; It is hereby enacted as follows:—

Act repealed.

1. Section 3 of Act XXIV of 1841 *(for the greater uniformity of the Law administered by Her Majesty's Supreme Courts with that administered in England, in regard to the undisposed residue of the effects of Testators; Illusory Appointments; the transfer of Estates by persons under disabilities pursuant to the direction of Courts, and the better management of the property of such persons, and other like matters)*, and so much of Act XIV of 1852 (*for extending the provisions of Acts XXIV of* 1841 *and XVII of* 1843 *to the Straits Settlement*), as extends the provisions of the said Section to the Settlement of Prince of Wales' Island, Singapore and Malacca, are hereby repealed: Provided that all proceedings under the said Section or Act commenced before this Act comes into operation, may be proceeded with under the said Section or Act or according to the provisions of this Act, as shall be thought expedient by the person by whom they were commenced.

Interpretation.

2. In this Act, unless there be something repugnant in the subject or context—

"Immoveable property."

"Immoveable property" shall extend to and include messuages, tenements, and hereditaments, corporeal and incorporeal, of every tenure or description, whatever may be the estate or interest therein:

"Stock."

"Stock" shall mean any fund, annuity or security transferable in books kept by any company or society established or to be established, or transferable by deed alone, or by deed accompanied by other formalities, and any share or interest therein. It shall also include shares in ships registered under the Merchant Shipping Act, 1854, or at any port in British India:

"Hold" and "holding."

"Hold" and "holding" shall be applicable to any vested estate, whether for life or of a greater or less description, in possession, futurity or expectancy, in any immoveable property:

"Contingent right."

"Contingent right" as applied to immoveable property shall mean a contingent or executory interest, or possibility coupled with an interest, whether the object of the gift or limitation of such interest or possibility be or be not ascertained; also a right of entry, whether immediate or future, and whether vested or contingent:

"Convey." "Conveyance."

"Convey" and "Conveyance" applied to any person, shall mean the execution by such person of every necessary or suitable assurance for conveying or disposing to another immoveable property which such person holds, or in which he is entitled to a contingent right either for the whole estate of the person conveying or disposing, or for any less estate, together with the performance of all formalities required by law to the validity of such conveyance, including the acts to be performed by married women and tenants in tail in accordance with the provisions of Act XXXI of 1854 *(to abolish real actions and also fines and common recoveries, and to simplify the modes of conveying land in cases to which the English Law is applicable)*:

"Transfer."

"Transfer" shall mean the execution and performance of every deed and act by which a person entitled to stock or Government securities can transfer such stock or Government securities from himself to another:

"High Court." "High Court" shall mean every Court now or hereafter established under the Statute 24 and 25 Vic., Cap. 104, and also the Chief Court of the Punjab, or such one or more Judges of the said Courts respectively as shall be appointed by the Chief Justice or the Senior Judge, as the case may be, to entertain applications and make orders under this Act:

"Trust." "Trustee." "Trust" shall not mean the duties incident to an estate conveyed by way of mortgage; but with this exception, the words "Trust" and "Trustee" shall extend to and include implied and constructive trusts, and shall extend to and include cases where the Trustee has some beneficial estate or interest in the subject of the trust, and shall extend to and include the duties incident to the office of executor or administrator of a deceased person:

"Lunatic." "Lunatic" shall mean any person who shall have been found by due course of law to be of unsound mind and incapable of managing his affairs:

"Person of unsound mind." "Person of unsound mind" shall mean any person not a minor who, not having been found to be a lunatic, shall be incapable from infirmity of mind to manage his own affairs:

"Heir" and "Devisee." In the case of a will made or an intestacy occurring before the first day of January 1866, "Heir" shall mean the person claiming an interest in the immoveable property of a deceased person under the laws concerning descent applicable to such property: and "Devisee" shall, in addition to its ordinary signification, mean the heir of a devisee and the devisee of an heir, and generally any person claiming an interest in the immoveable property of a deceased person, not as heir of such deceased person, but by a title dependent solely upon the operation of the laws concerning devise and descent

In the case of a will made or an intestacy occurring on or after the first day of January 1866, "Heir" shall mean any person claiming an interest in the immoveable property of a deceased person under the rules for the distribution of an intestate's estate; and "Devisee" shall mean any person taking immoveable property under a bequest, and any person, other than an executor or administrator, claiming an interest in immoveable property, not as entitled thereto, under the said rules, but by a title dependent solely upon the operation of the laws concerning intestate and testamentary succession;

"Mortgage." "Mortgage" shall be applicable to every estate or interest in immoveable or moveable property which would in the High Court be deemed merely a security for money:

"Person." "Person" shall include any company or association, or body of persons whether incorporated or not:

Number. Words importing the singular number only shall extend to several persons or things; words importing the plural number shall apply to one person or thing;

Gender. words importing the masculine gender shall extend to a female.

The High Court to have jurisdiction in what cases. **3.** The powers and authorities given by this Act to the High Courts shall and may be exercised only in cases to which English law is applicable, and may be exercised with respect to property within the local limits of the extraordinary original civil jurisdiction of the said Courts respectively.

High Court may convey estates of lunatic Trustees and Mortgagees; **4.** When any lunatic or person of unsound mind shall hold any immoveable property upon any trust or by way of mortgage, it shall be lawful for the High Court to make an order that such property be vested in such person or persons in such manner and for such estate as the said Court shall direct; and the order shall have the same effect as if the Trustee or Mortgagee had been sane, and had duly executed a conveyance of the property in the same manner for the same estate.

and may convey contingent rights. **5.** When any lunatic or person of unsound mind shall be entitled to any contingent right in any immoveable property upon any trust or by way of mortgage, it shall be lawful for the High Court to make an order wholly releasing such property from such contingent right, or disposing of the same to such person or persons as the said High Court shall direct; and the order shall have the same effect as if the Trustee or Mortgagee had been sane, and had duly executed a deed so releasing or disposing of the contingent right.

High Court may transfer stock or Government securities of lunatic Trustees and Mortgagees. **6.** When any lunatic or person of unsound mind shall be solely entitled to any stock or Government securities, or to any thing in action upon any trust or by way of mortgage, it shall be lawful for the High Court to make an order vesting in any person or persons the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for and recover such thing in action, or any interest in respect thereof: and when any person or persons shall be entitled jointly with any lunatic or person of unsound mind to any stock or Government securities or thing in action upon any trust or by way of mortgage, it shall be lawful for the said Court to make an order vesting the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for and recover such thing in action or any interest in respect thereof, either in such person or persons so jointly entitled as aforesaid, or in such last-mentioned person or persons together with any other person or persons the said High Court may appoint.

Power to transfer stock or Government securities of deceased persons. **7.** When any stock or Government securities shall be standing in the name of any deceased person whose executor or administrator is a lunatic or person of unsound mind, or when any thing in action shall be vested in any lunatic or person of unsound mind as the executor or administrator of a deceased person, it shall be lawful for the High Court to make an order vesting the right to transfer such stock or Government securities, or to receive the divi-

dends, interest or income thereof, or to sue for and recover such thing in action or any interest in respect thereof, in any person or persons the said Court may appoint.

High Court may convey estates of minor Trustees and Mortgagees.

8. Where any minor shall hold any immoveable property upon any trust or by way of mortgage, it shall be lawful for the High Court to make an order vesting such property in such person or persons in such manner and for such estate as the said Court shall direct: and the order shall have the same effect as if the minor Trustee or Mortgagee had attained his majority, and had duly executed a conveyance of the property in the same manner for the same estate.

Contingent rights of minor Trustees and Mortgagees.

9. Where any minor shall be entitled to any contingent right in any immoveable property upon any trust or by way of mortgage, it shall be lawful for the High Court to make an order wholly releasing such property from such contingent right, or disposing of the same to such person or persons as the said Court shall direct; and the order shall have the same effect as if the minor had attained his majority, and had duly executed a deed so releasing or disposing of the contingent right.

High Court may convey the estate of a Trustee out of the jurisdiction of the Court.

10. When any person solely holding any immoveable property upon any trust shall be out of the jurisdiction of the High Court, or cannot be found, it shall be lawful for the said Court to make an order vesting such property in such person or persons in such manner and for such estate as the said Court shall direct, and the order shall have the same effect as if the Trustee had duly executed a conveyance of the property in the same manner and for the same estate.

High Court may make order in cases where persons hold immoveable property in trust jointly with persons out of jurisdiction of Court, &c.

11. When any person or persons shall hold any immoveable property in trust jointly with a person not within the jurisdiction of the High Court, or who cannot be found, it shall be lawful for the said Court to make an order vesting the property in the person or persons so jointly holding or in such last-mentioned person or persons, together with any other person or persons in such manner and for such estate as the said Court shall direct; and the order shall have the same effect as if the Trustee out of the jurisdiction, or who cannot be found, had duly executed a conveyance of the property in the same manner for the same estate.

Contingent rights of Trustees.

12. When any person solely entitled to a contingent right in any immoveable property upon any trust shall be out of the jurisdiction of the High Court, or cannot be found, it shall be lawful for the said Court to make an order wholly releasing such property from such contingent right, or disposing of the same to such person or persons as the said Court shall direct; and the order shall have the same effect as if the Trustee had duly executed a conveyance so releasing or disposing of the contingent right.

High Court may make order in cases where persons are jointly entitled with others out of the jurisdiction of the Court to a contingent right in immoveable property.

13. When any person jointly entitled with any other person or persons to a contingent right in any immoveable property upon any trust shall be out of the jurisdiction of the Hight Court, or cannot be found, it shall be lawful for the said Court to make an order disposing of the contingent right of the person out of the jurisdiction, or who cannot be found, to the person or persons so jointly entitled as aforesaid or to such last-mentioned person or persons, together with any other person or persons; and the order shall have the same effect as if the Trustee out of the jurisdiction, or who cannot be found, had duly executed a conveyance so releasing or disposing of the contingent right.

When it is uncertain which of several Trustees was the survivor.

14. Where there shall have been two or more persons jointly holding any immoveable property upon any trust, and it shall be uncertain which of such Trustees was the survivor, it shall be lawful for the High Court to make an order vesting such property in such person or persons, in such manner and for such estate as the said Court shall direct, and the order shall have the same effect as if the survivor of such Trustees had duly executed a conveyance of the property in the same manner for the same estate.

When it is uncertain whether the last Trustee be living or dead.

15. Where any one or more person or persons shall have held any immoveable property upon any trust, and it shall not be known, as to the Trustee last known to have held such property, whether he be living or dead, it shall be lawful for the High Court to make an order vesting such property in such person or persons in such manner and for such estate as the said Court shall direct; and the order shall have the same effect as if the last Trustee had duly executed a conveyance of the property in the same manner for the same estate.

When Trustee dies without an heir.

16. When any person holding any immoveable property upon any trust shall have died intestate as to such property without an heir, or shall have died, and it shall not be known who is his heir or devisee, it shall be lawful for the High Court to make an order vesting such property in such person or persons in such manner and for such estate as the said Court shall direct; and the order shall have the same effect as if the heir or devisee of such Trustee had duly executed a conveyance of the property in the same manner for the same estate.

Contingent right of unborn Trustee.

17. When any immoveable property is subject to a contingent right in an unborn person, or class of unborn persons who, upon coming into existence, would in respect thereof hold such property upon any trust, it shall be lawful for the High Court to make an order which shall wholly release and discharge such property from such contingent right in such unborn person or class of unborn persons, or to make an order which shall vest in any person or persons the estate or estates which such unborn person or class of unborn persons would, upon coming into existence, hold in such property.

Power to make an order for vesting the estate on refusal or neglect of a Trustee to convey or release.

18. In every case where any person holds or shall hold jointly or solely any immoveable property, or is or shall be entitled to a contingent right therein upon any trust, and a demand shall have been made upon such Trustee by a person entitled to require a conveyance of such property, or a duly authorized agent of such last-mentioned person, requiring such Trustee to convey the same, or to release such contingent right, it shall be lawful for the High Court, if the said Court shall be satisfied that such Trustee has wilfully refused or neglected to convey the said property for the space of twenty-eight days after such demand, to make an order vesting such property in such person or persons, in such manner and for such estate as the Court shall direct, or releasing such contingent right in such manner as the Court shall direct; and the said order shall have the same effect as if the Trustee had duly executed a conveyance of the property, or a release of such right, in the same manner and for the same estate.

Power to convey in place of Mortgagee.

19. When any person to whom any immoveable property has been conveyed by way of mortgage, shall have died without having entered into the possession or into the receipt of the rents and profits thereof, and the money due in respect of such mortgage shall have been paid to a person entitled to receive the same, or such last-mentioned person shall consent to an order for the re-conveyance or vesting of such property, then in any of the following cases, it shall be lawful for the High Court to make an order vesting such property in such person or persons in such manner and for such estate as the said Court shall direct, that is to say,—

When an heir or devisee of such Mortgagee shall be out of the jurisdiction of the High Court, or cannot be found:

When an heir or devisee of such Mortgagee shall, upon a demand by a person entitled to require a conveyance of such property, or a duly authorized agent of such last-mentioned person, have stated in writing that he will not convey the same, or shall not convey the same for the space of twenty-eight days next after a proper deed for conveying such property shall have been tendered to him by a person entitled as aforesaid, or a duly authorized agent of such last-mentioned person:

When it shall be uncertain which of several devisees of such Mortgagee was the survivor:

When it shall be uncertain as to the survivor of several devisees of such Mortgagee, or as to the heir of such Mortgagee whether he be living or dead:

When such Mortgagee shall have died intestate as to such property and without an heir, or shall have died, and it shall not be known who is his heir or devisee:

And the order of the said High Court made in any one of the foregoing cases, shall have the same effect as if the heir or devisee, or surviving devisee, as the case may be, had duly executed a conveyance of the property in the same manner and for the same estate.

Power to appoint a person to convey in certain cases.

20. In every case where the High Court shall, under the provisions of this Act, be enabled to make an order having the effect of a conveyance of any immoveable property, or having the effect of a release or disposition of the contingent right of any person or persons, born or unborn, it shall also be lawful for the High Court, should it be deemed more convenient, to make an order appointing a person to convey such property or release or dispose of such contingent right; and the conveyance, or release or disposition of the person so appointed, shall, when in conformity with the terms of the order by which he is appointed, have the same effect, in conveying the property, or releasing or disposing of the contingent right, as an order of the High Court would in the particular case have had under the provisions of this Act. In every case where the High Court shall, under the provisions of this Act, be enabled to make an order vesting in any person or persons the right to transfer any stock transferable in the books of any company or society established or to be established, it shall also be lawful for the High Court, if it be deemed more convenient, to make an order directing the secretary or any officer of such company or society at once to transfer or join in transferring the stock to the person or persons to be named in the order; and this Act shall be a full and complete indemnity and discharge to all companies or societies and their officers and servants for all acts done or permitted to be done pursuant thereto.

When Trustees of stock or Government securities out of the jurisdiction

21. When any person or persons shall be jointly entitled with any person out of the jurisdiction of the High Court, or who cannot be found, or concerning whom it shall be uncertain whether he be living or dead, to any stock or Government securities or thing in action upon any trust, it shall be lawful for the said Court to make an order vesting the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for or recover such thing in action or any interest in respect thereof, either in such person or persons so jointly entitled as aforesaid, or in such last-mentioned person or persons, together with any person or persons the said Court may appoint. When any sole Trustee of any stock, Government securities, or thing in action shall be out of the jurisdiction of the said Court, or cannot be found, or it shall be uncertain whether he be living or dead, it shall be lawful for the said Court to make an order vesting the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for and recover such thing in action, or any interest in respect thereof, in any person or persons the said Court may appoint.

When Trustee of stock, &c., refuses to transfer.

22. Where any sole Trustee of any stock, Government securities, or thing in action, shall neglect or refuse to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for or recover such thing in action, or any interest in respect thereof, according to the direction of the person absolutely entitled thereto, for the space of twenty-eight days next after a request in writing for that purpose shall have been

made to him by the person absolutely entitled thereto, it shall be lawful for the High Court to make an order vesting the sole right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for and recover such thing in action, or any interest in respect thereof, in such person or persons as the said Court may appoint.

When one of several Trustees of stock, &c., refuses to transfer or receive and pay over dividends.

23. Where any one of the Trustees of any stock, Government securities, or thing in action, shall neglect or refuse to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for or recover such thing in action according to the direction of the person absolutely entitled thereto, for the space of twenty-eight days next after a request in writing for that purpose shall have been made to him by such person, it shall be lawful for the High Court to make an order vesting the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for and recover such thing in action, in the other Trustee or Trustees of the said stock, Government securities or thing in action, or in any person or persons who in the said Court may appoint jointly with such other Trustee or Trustees.

When stock, &c., is standing in the name of a deceased person.

24. When any stock or Government securities shall be standing in the sole name of a deceased person, and his executor or administrator shall be out of the jurisdiction of the High Court, or cannot be found, or it shall be uncertain whether such executor or administrator be living or dead, or such executor or administrator shall neglect or refuse to transfer such stock or Government securities, or receive the dividends, interest or income thereof, according to the direction of the person absolutely entitled thereto, for the space of twenty-eight days next after a request in writing for that purpose shall have been made to him by the person entitled as aforesaid, it shall be lawful for the said Court to make an order vesting the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, in any person or persons whom the said Court may appoint.

Effect of an order vesting the legal right to transfer stock, &c.

25. Where any order shall have been made under this Act vesting the right to any stock or Government securities in any person or persons appointed by the High Court, such legal right shall vest accordingly, and thereupon the person or persons so appointed are hereby authorized and empowered to execute all deeds and powers of attorney, and to perform all acts relating to the transfer of such stock and Government securities into his or their own name or names or otherwise, or relating to the receipt of the dividends, interest or income thereof, to the extent and in conformity with the terms of such order. All companies and associations whatever, and all persons, shall be equally bound and compellable to comply with the requisitions of such person or persons so appointed as aforesaid to the extent and in conformity with the terms of such order as such companies, associations, or persons would have been bound and compellable to comply with the requisitions of the person in whose place such appointment shall have been made, and shall be equally indemnified in complying with the requisition of such person or persons so appointed as they would have been indemnified in complying with the requisition of the person in whose place such appointment shall have been made. After notice in writing of any such order of the High Court concerning any stock or Government securities shall have been given, it shall not be lawful for any company or association, or any person having received such notice, to act upon the requisition of the person in whose place an appointment shall have been made, in any matter relating to the transfer of such stock or Government securities, or the payment of the dividends, interest or income thereof.

Effect of an order vesting legal right in a thing in action.

26. Where any order shall have been made under this Act by the High Court vesting the legal right to sue for or recover anything in action or any interest in respect thereof in any person or persons, such legal right shall vest accordingly; and thereupon it shall be lawful for the person or persons so appointed to carry on, commence and prosecute, in his or their own name or names, any suit or other proceeding for the recovery of such thing in action, in the same manner in all respects as the person in whose place an appointment shall have been made could have sued for or recovered such thing in action.

On neglect to transfer stock, &c., for twenty-eight days, order may be made vesting right to transfer in such person as the Court shall appoint.

27. Where any person shall neglect or refuse to transfer any stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for or recover any thing in action, or any interest in respect thereof, for the space of twenty-eight days next after an order of the High Court for that purpose shall have been served upon him, it shall be lawful for the said Court to make an order vesting all the right of such person to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, or to sue for and recover such thing in action, or any interest in respect thereof, in such person or persons as the said Court may appoint.

On like neglect by executor, similar order may be made.

28. When any stock or Government securities shall be standing in the sole name of a deceased person, and his executor or administrator shall refuse or neglect to transfer such stock or Government securities, or receive the dividends, interest or income thereof for the space of twenty-eight days next after an order of the High Court for that purpose shall have been served upon him, it shall be lawful for the said Court to make an order vesting the right to transfer such stock or Government securities, or to receive the dividends, interest or income thereof, in any person or persons whom the said Court may appoint.

Companies and associations to comply with such orders.

29. When any order being or purporting to be under this Act, shall be made by the High Court, vesting the right to any stock or Government securities, or vest-

ing the right to transfer any stock or Government securities, or vesting the right to call for the transfer of any stock or Government securities in any person or persons, in every such case the legal right to transfer such stock or Government securities shall vest accordingly; and the person or persons so appointed shall be authorized and empowered to execute all deeds and powers of attorney, and to perform all acts relating to the transfer of such stock or Government securities into his or their own name or names or otherwise, to the extent and in conformity with the terms of the order. All companies and associations, and all persons, shall be equally bound and compellable to comply with the requisitions of such person or persons so appointed as aforesaid, to the extent and in conformity with the terms of such order, as such companies, associations or persons would have been bound and compellable to comply with the requisitions of the person in whose place such appointment shall have been made.

Power to make an order for the transfer or receipt of dividends of stock, &c., in name of a minor Trustee.

30. When any minor shall be solely entitled to any stock or Government securities upon any trust, it shall be lawful for the High Court to make an order vesting in any person or persons the right to transfer such stock or Government securities or to to receive the dividends, interest or income thereof. When any minor shall be entitled jointly with any other person or persons to any stock or Government securities upon any trust, it shall be lawful for the said Court to make an order vesting the right to transfer such stock or Government securities or to receive the dividends, interest or income thereof, either in the person or persons jointly entitled with the minor, or in him or them together with any other person or persons the said Court may appoint.

When a decree is made for sale of immoveable property for payment of debts.

31. When a decree or order shall have been made by the High Court directing the sale of any immoveable property for the payment of the debts of a deceased person, every person holding such property, or entitled to a contingent right therein, as heir, or under the will of such deceased debtor, shall be deemed so to hold or be entitled (as the case may be) upon a trust within the meaning of this Act: and the High Court is hereby empowered to make an order wholly discharging the contingent right under the will of such deceased debtor of any unborn person.

High Court may make an order for vesting the estate in lieu of conveyance by a party to the suit after a decree or order for sale.

32. When any decree or order shall have been made by the High Court, whether before or after the passing of this Act, directing the sale of any immoveable property for any purpose whatever, every person holding such property, or entitled to a contingent right therein, being a party to the suit or proceeding in which such decree or order shall have been made and bound thereby, or being otherwise bound by such decree or order, shall be deemed so to hold or be entitled (as the case may be) upon a trust within the meaning of this Act. In every such case it shall be lawful for the High Court, if the said Court shall think it expedient for the purpose of carrying such sale into effect, to make an order vesting such property or any part thereof, for such estate as the Court shall think fit, either in any purchaser or in such other person as the Court shall direct. Every such order shall have the same effect as if the person so holding or entitled had been free from all disability, and had duly executed all proper conveyances and assignments of such property for such estate.

Court to declare what parties are Trustees of immoveable property comprised in any suit, and as to the interests of persons unborn.

33. Where any decree or order shall be made by the High Court for the specific performance of a contract concerning any immoveable property, or for the partition or exchange of any immoveable property, or generally when any decree shall be made for the conveyance of any immoveable property, either in cases arising out of the doctrine of election or otherwise, it shall be lawful for the said Court to declare that any of the parties to the said suit wherein such decree is made are trustees of such property or any part thereof, within the meaning of this Act, or to declare concerning the interests of unborn persons who might claim under any party to the said suit, or under the will or voluntary settlement of any person deceased who was during his life-time a party to the contract or transactions concerning which such decree is made that such interests of unborn persons are the interests of persons who, upon coming into existence, would be Trustees within the meaning of this Act. Thereupon it shall be lawful for the High Court to make such order or orders as to the estates, rights and interests of such persons, born or unborn, as the said Court might, under the provisions of this Act, make concerning the estates, rights and interests of Trustees born or unborn.

Power to make directions how the right to transfer stock shall be exercised.

34. It shall be lawful for the High Court to make declarations and give directions concerning the manner in which the right to any stock, Government securities or thing in action vested under the provisions of this Act shall be exercised, and thereupon the person or persons in whom such right shall be vested shall be compellable to obey such directions and declarations by the same process as that by which other orders under this Act are enforced.

Power to Court to make order appointing new Trustees.

35. In all cases in which it shall be expedient to appoint a new Trustee or new Trustees, and it shall be found inexpedient, difficult or impracticable so to do without the assistance of the High Court, it shall be lawful for the said Court to make an order appointing a new Trustee or new Trustees whether there be any existing Trustee or Trustees or not at the time of making such order, and if there be such Trustee or Trustees either in substitution for or in addition to him or them. The person or persons who, upon the making of such order shall be Trustee or Trustees, shall have the same rights and powers as he or they would have had if appointed by decree in a suit duly instituted.

New Trustees to have powers of Trustees appointed by decree in suit.

36. It shall be lawful for the High Court, upon making any order for appointing a new Trustee or new Trustees, either by the same or by any subsequent order, to direct that any immoveable property subject to the trust shall vest in the person or persons who upon the appointment shall be the Trustee or Trustees for such estate as the Court shall direct. Such order shall have the same effect as if the person or persons who, before such order, was or were the Trustee or Trustees (if any) had duly executed all proper conveyances of such property for such estate.

Power to Court to vest immoveable property in new Trustee.

37. It shall be lawful for the High Court, upon making any order for appointing a new Trustee or new Trustees, either by the same or by any subsequent order, to vest the right to call for a transfer of any stock or Government securities subject to the trust, or to receive the dividends, interest or income thereof, or to sue for or recover any thing in action, subject to the trust or any interest in respect thereof, in the person or persons who upon the appointment shall be the Trustee or Trustees.

Power to Court to vest right to sue in new Trustees.

38. Any such appointment by the High Court of new Trustees, and any such conveyance or transfer as aforesaid, shall operate no further or otherwise as a discharge to any former or continuing Trustee, than an appointment of new Trustees under any power for that purpose contained in any instrument would have done.

Old Trustees not to be discharged from liability.

39. An order under any of the hereinbefore contained provisions, for the appointment of a new Trustee or new Trustees, or concerning any immoveable property, stock, or Government securities, or thing in action subject to a trust, may be made upon the application of any person beneficially interested in such immoveable property, stock, Government securities, or thing in action, whether under disability or not, or upon the application of any person duly appointed as a Trustee thereof; and an order under any of the provisions hereinbefore contained concerning any immoveable property, stock, Government securities, or thing in action subject to a mortgage, may be made on the application of any person beneficially interested in the equity of redemption, whether under disability or not, or of any person interested in the monies secured by such mortgage.

Who may apply.

40. When any person shall deem himself entitled to an order under any of the provisions hereinbefore contained, it shall be lawful for him to present a petition to the High Court for such order as he may deem himself entitled to, and he may give evidence by affidavit or otherwise in support of such petition before the said Court, and may serve such person or persons with notice of such petition as he may deem entitled to service thereof.

Application may be by petition.

41. Upon the hearing of any such petition it shall be lawful for the said High Court, should it be deemed necessary, to direct a reference to one of the Judges of the Court to inquire into any facts which requir such an investigation, or it shall be lawful for the said Court to direct such petition to stand over, to enable the petitioner to adduce evidence or further evidence before the Court, or to enable notice or any further notice of such petition to be served upon any person or persons.

What may be done upon petition.

42. Upon the hearing of any such petition, it shall be lawful for the High Court to dismiss such petition with or without costs, or to make an order thereupon in conformity with the provisions of this Act.

Court may dismiss petition with or without costs.

43. Whensoever in any cause or matter, either by the evidence adduced therein, or by the admissions of the parties, or by report of one of the Judges of the Court, the facts necessary for an order under this Act shall appear to the High Court to be sufficiently proved, it shall be lawful for the said Court, either upon the hearing of the said cause or of any petition or application in the said cause or matter, to make such order under this Act.

Power to make an order in a cause.

44. Whenever any order shall be made under this Act by the High Court, for the purpose of conveying any immoveable property, or for the purpose of releasing or disposing of any contingent right, and such order shall be founded on an allegation of the personal incapacity of a Trustee or Mortgagee or on an allegation that a Trustee or the heir or devisee of a Mortgagee is out of the jurisdiction of the High Court or cannot be found, or that it is uncertain which of several Trustees, or which of several devisees of a Mortgagee, was the survivor, or whether the last Trustee, or the heir, or last surviving devisee of a Mortgagee, be living or dead, or on an allegation that any Trustee or Mortgagee has died intestate without an heir or has died, and it is not known who is his heir or devisee then in any of such cases the fact that the High Court has made an order upon such an allegation, shall be conclusive evidence of the matter so alleged in any Court of Civil Judicature upon any question as to the legal validity of the order: Provided always that nothing herein contained shall prevent the High Court directing a re-conveyance of any immoveable property conveyed or assigned by any order under this Act, or a re-disposition of any contingent right conveyed or disposed of by such order; and it shall be lawful for the said Court to direct any of the parties to any suit concerning such property or contingent right, to pay any costs occasioned by the order under this Act, when the same shall appear to have been improperly obtained.

Orders made by the High Court founded on certain allegations to be conclusive evidence of the matter contained in such allegations.

45. It shall be lawful for the High Court to exercise the powers herein conferred for the purpose of vesting any immoveable property, stock, Government securities, or thing in action in the Trustee or Trustees of any charity or society over which charity or society the High Court would have jurisdiction upon suit duly instituted, whether such Trustee or Trustees shall have been duly appointed by any power contained in any deed or instrument, or by

Trustees of charity.

the decree of the said Court, or by order made upon a petition to the said Court.

Money of minors and persons of unsound mind to be paid into Court.

46. Where any minor or person of unsound mind shall be entitled to any money payable in discharge of any immoveable property, stock, Government securities, or thing in action conveyed or transferred under this Act, it shall be lawful for the person by whom such mony is payable to pay the same into the High Court in trust in any cause then depending concerning such money, or if there shall be no such cause, to the credit of such minor or person of unsound mind, subject to the order or disposition of the said Court; and it shall be lawful for the said Court, upon petition in a summary way, to order any money so paid to be invested in Government securities, and to order payment or distribution thereof, or payment of the dividends or interest thereof, as to the said Court shall seem reasonable.

Court may make a decree in the absence of a Trustee.

47. Where in any suit commenced or to be commenced in the High Court it shall be made to appear to the Court that diligent search and enquiry have been made after any person made a defendant, who is only a Trustee, to serve him with the process of the Court, and that he cannot be found, it shall be lawful for the said Court to hear and determine such cause, and to make such absolute decree therein against every person who shall appear to it to be only a Trustee, and not otherwise concerned in interest in the matter in question, in such and the same manner as if such Trustee had been duly served with the process of the Court, and had appeared at the hearing of such cause: Provided always, that no such decree shall bind, affect, or in any wise prejudice any person against whom the same shall be made, without service of process upon him as aforesaid, his heirs, executors, or administrators for or in respect of any estate, right or interest which such person shall have at the time of making such decree for his own use or benefit or otherwise than as a Trustee as aforesaid.

Orders made under this Act to be chargeable with the same stamp duty as deeds of conveyance.

48. Every order to be made under this Act, which shall have the effect of a conveyance of any immoveable property, or a transfer of any such stock, Government securities, or thing in action as can only be transferred by stamped deed, or for the transfer of which a stamp is necessary, shall be chargeable with the like amount of stamp duty as it would have been chargeable with if it had been a deed executed or a transfer made by the person or persons holding such property or entitled to such stock, Government securities, or thing in action. Every such order shall be duly stamped for denoting the payment of the said duty.

Costs may be paid out of the estate.

49. The High Court may order the costs and expenses of and relating to the petitions, orders, directions, conveyances and transfers to be made in pursuance of this Act, or any of them, to be paid and raised out of or from the immoveable or moveable property, or the rents or produce thereof, in respect of which the same respectively shall be made, or in such manner as the said Court shall think proper.

Enquiry concerning person of unsound mind.

50. Upon any petition being presented under this Act to the High Court concerning a person of unsound mind, it shall be lawful for the said Court to make an order directing an enquiry whether such person is or is not of unsound mind, and incapable of managing himself and his affairs. Such order shall have the same effect as the like order made under Section 1 of Act XXXIV of 1858 *(to regulate proceedings in Lunacy in the Courts of Judicature established by Royal Charter)*, and the enquiry directed to be made shall be made in all respects in the manner declared and prescribed for making an enquiry under the last-mentioned Act. The High Court may postpone making any order upon the petition presented as aforesaid, until any enquiry so directed to be made shall have been finally concluded.

Suit may be directed.

51. Upon any petition under this Act being presented to the High Court, it shall be lawful for the said Court to postpone making any order upon such petition, until the right of the petitioner shall have been declared in a suit duly instituted for that purpose.

Indemnity to all persons obeying orders passed under this Act.

52. Every order made or purporting to be made under this Act by the High Court shall be a complete indemnity to all persons whatsoever for any act done pursuant thereto; and it shall not be necessary for such persons to enquire concerning the propriety of such order, or whether the High Court has jurisdiction to make the same.

Orders under the Act to be executed as, and have the effect of, decrees.

53. Any order made by the High Court under this Act shall have the same effect and be executed in the same manner as a decree.

Short Title.

54. This Act may be cited as "The Indian Trustee Act, 1866."

From 1st February 1867, this Act to apply to Straits Settlement.

55. On and after the first day of February 1867 (but not till then), the powers and authorities given by this Act to the High Courts, shall and may be exercised by the Court of Judicature of the Settlement of Prince of Wales' Island, Singapore and Malacca, with respect to moveable and immoveable property within the local limits of the jurisdiction of that Court; and, in the said Settlement, Section 2 of this Act shall be read as if the words and figures "first day of February 1867," were substitued for the works and figures "first day of January 1866."

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,

Home Dept. (Legislative.)

The following Act of the Governor General of India in Council received the assent of his Excellency the Governor General on the 24th October 1866, and is hereby promulgated for general information :—

ACT No. XXVIII OF 1866.

To give to Trustees, Mortgagees and others, in cases to which English Law is applicable, certain powers now commonly inserted in Settlements, Mortgages and Wills, and to amend the Law of property and relieve Trustees.

Preamble.

WHEREAS it is expedient that in cases to which English law is applicable, certain powers and provisions usually inserted in Settlements, Mortgages, Wills and other Instruments, should be made incident to the estates of the persons interested, so as to dispense with the necessity of inserting the same in terms in every such Instrument, and that in such cases Trustees should be relieved; It is enacted as follows :—

Interpretation of terms.

"Immoveable property."

1. In the construction of this Act, unless there be something repugnant in the subject or context, "Immoveable Property" shall include land, any benefit to arise out of land, and things attached to the earth or permanently fastened to anything which is attached to the earth :

"Mortgage."

"Mortgage" shall be taken to include every instrument by virtue whereof immoveable property is in any manner conveyed, pledged, or charged as security for the repayment of money or money's worth lent, and to be re-conveyed, or released on satisfaction of the debt :

"Mortgagor."

"Mortgagor" shall be taken to include every person by whom any such conveyance, pledge, or charge as aforesaid shall be made :

"Mortgagee"

"Mortgagee" shall be taken to include every person to whom or in whose favour any such conveyance, pledge, or charge as aforesaid is made or transferred : and

"High Court."

"High Court" means any Court established or to be established under Statute 24 and 25 Vic., Cap. 104, and includes the Chief Court of the Punjab and the Court of Judicature of the Settlement of Prince of Wales' Island, Singapore and Malacca.

Powers of Trustees for sale, &c., and Trustees of renewable leaseholds.

Trustees empowered to sell may sell in lots, and either by public auction or private contract.

2. In all cases whereby any will, deed or other instrument of settlement it is expressly declared that trustees or other persons therein named or indicated shall have a power of sale, either generally or in any particular event, over any immoveable property named or referred to in, or from time to time subject to, the uses or trusts of such will, deed or other instrument, it shall be lawful for such trustees or other persons, whether such property be vested in them or not, to exercise such power of sale by selling such property either together or in lots, and either by public auction or private contract, and either at one time or at several times.

Sale may be made under special conditions, and trustees may buy in, &c.

3. It shall be lawful for the persons making any such sale to insert any such special or other stipulations, either as to title or evidence of title, or otherwise, in any conditions of sale, or contract for sale as they shall think fit; and also to buy in the property or any part thereof at any sale by auction, and to rescind or vary any contract for sale, and to re-sell the property which shall be so bought in, or as to which the contract shall be so rescinded, without being responsible for any loss which may be occasioned thereby; and no purchaser under any such sale shall be bound to enquire whether the persons making the same may or may not have in contemplation any particular re-investment of the purchase-money in the purchase of any other property or otherwise.

Trustees exercising power of sale, &c., empowered to convey.

4 For the purpose of completing any such sale as aforesaid, the persons empowered to sell as aforesaid shall have full power to convey or otherwise dispose of the property in question, in such manner as may be necessary.

Money arising from sales to be laid out in the manner indicated in the will, &c.

5. The money so received upon any such sale as aforesaid shall be laid out in the manner indicated in that behalf in the will, deed or instrument containing the power of sale; and until the money to be received upon any sale as aforesaid shall be so disposed of, the same shall be invested at interest in Government securities for the benefit of such persons as would be entitled to the benefit of the money and the interest and profits thereof, in case such money were then actually laid out as aforesaid : Provided that if the will, deed or instrument shall contain no such indication, the persons empowered to sell as aforesaid shall invest the money so received upon any such sale in their names upon Government securities in India, and the interest of such securities shall be paid and applied to such person or persons for such purposes and in such manner as the rents and profits of the property sold as aforesaid would have been payable or applicable in case such sale had not been made.

Until it is so laid out, money to be invested in Government securities.

Powers of Mortgagees.

Powers incident to mortgages.

6. Where any principal money is secured or charged by deed on any immoveable property, or on any interest therein, the person to whom such money shall for the time being be payable, his executors, administrators and assigns, shall, at any time after the expiration of one year from the time when such principal money shall have become payable, according to the terms of the deed, or after any interest on such principal money shall have been in arrear for six months, or after any omission to pay any premium on any insurance which by the terms of the deed ought to be paid by the person entitled to the property subject to the charge, have the following powers to the same extent (but no more) as if they had been in terms conferred by the person creating the charge namely :—

1st.—A power to sell or concur with any other person in selling the whole or any part of the property by public auction or private contract,

subject to any reasonable conditions he may think fit to make, and to rescind or vary contracts for sale, or buy in and re-sell the property, from time to time, in like manner:

2nd.—A power to appoint or obtain the appointment of a receiver of the rents and profits of the whole or any part of the property in manner hereinafter mentioned.

Receipts for purchase money sufficient discharges.

7. Receipts for purchase money given by the person or persons exercising the power of sale hereby conferred, shall be sufficient discharges to the purchasers, who shall not be bound to see to the application of such purchase money.

Notice to be given before sale; but purchaser relieved from inquiry as to circumstances of sale.

8. No such sale as last aforesaid shall be made until after six months' notice in writing given to the person or one of the persons entitled to the property subject to the charge, or affixed on some conspicuous part of such property; but when a sale has been effected in professed exercise of the powers hereby conferred, the title of the purchaser shall not be liable to be impeached on the ground that no case had arisen to authorize the exercise of such power, or that no such notice as aforesaid had been given; but any person damnified by any such unauthorised exercise of such power, shall have his remedy in damages against the person or persons selling.

Application of purchase money.

9. The money arising by any sale effected as aforesaid shall be applied by the person receiving the same as follows:—first, in payment of all the expenses incident to the sale or incurred in any attempted sale; secondly, in discharge of all interest and costs then due in respect of the charge in consequence whereof the sale was made; and thirdly, in discharge of all the principal monies then due in respect of such charge; and the residue of such money shall be paid to the person entitled to the property subject to the charge, his executors, administrators or assigns, as the case may be.

Conveyance to the purchaser.

10. The person exercising the power of sale hereby conferred shall have power by deed to convey or assign to and vest in the purchaser the property sold, for all the estate and interest therein which the person who created the charge had power to dispose of: Provided that nothing herein contained shall be construed to authorize the mortgagee of a term of years to sell and convey the fee simple of the property comprised therein in cases where the mortgagor could have disposed of such fee simple at the date of the mortgage.

Owner of charge may call for title deeds and conveyance of legal estate.

11. At any time after the power of sale hereby conferred shall have become exercisable, the person entitled to exercise the same shall be entitled to demand and recover from the person entitled to the property subject to the charge, all the deeds and documents in his possession or power relating to the same property, or to the title thereto, which he would have been entitled to demand and recover if the same property had been conveyed, appointed or surrendered to and were then vested in him for all the estate and interest which the person creating the charge had power to dispose of; and where the legal estate shall be outstanding in a trustee, the person entitled to a charge created by a person equitably entitled, or any purchaser from such person, shall be entitled to call for a conveyance of the legal estate to the same extent as the person creating the charge could have called for such a conveyance if the charge had not been made.

Appointment of receiver.

12. Any person entitled to appoint or obtain the appointment of a receiver as aforesaid, may from time to time, if any person or persons has or have been named in the deed of charge for that purpose, appoint such person or any one of such persons to be receiver, or if no person be so named, then may, by writing delivered to the person or any one of the persons entitled to the property subject to the charge, or affixed on some conspicuous part of the property, require such last-mentioned person or persons to appoint a fit and proper person as receiver, and if no such appointment be made within ten days after such requisition, then may in writing appoint any person he may think fit. No person shall be ineligible for the office of receiver merely because he is an officer of the High Court.

Receiver deemed to be the agent of the mortgagor.

13. Every receiver appointed as aforesaid shall be deemed to be the agent of the person entitled to the property subject to the charge, who shall be solely responsible for his acts or defaults, unless otherwise provided for in the charge.

Powers of receiver.

14. Every receiver appointed as aforesaid shall have power to demand and recover and give effectual receipts for all the rents, issues and profits of the property of which he is appointed receiver by suit, distress, or otherwise, in the name either of the person entitled to the property subject to the charge, or of the person entitled to the money secured by the charge, to the full extent of the estate or interest which the person who created the charge had power to dispose of.

Receiver may be removed.

15. Every receiver appointed as aforesaid may be removed by the like authority, or on the like requisition as before provided with respect to the original appointment of a receiver, and new receivers may be appointed from time to time.

Receiver to receive a commission not exceeding five per cent.

16. Every receiver appointed as aforesaid shall be entitled to retain out of any money received by him, in lieu of all costs, charges, and expenses whatsoever, such a commission not exceeding five *per centum* on the gross amount of all money received, as shall be specified in his appointment, and if no amount shall be so specified, then five *per centum* on such gross amount.

Receiver to insure, if required.

17. Every receiver appointed as aforesaid shall, if so directed in writing by the person entitled to the money secured by the charge, insure and keep insured from loss or damage by fire, out

of the money received by him, the whole or any part of the property included in the charge which is in its nature insurable.

Application of moneys received by him.

18. Every receiver appointed as aforesaid shall pay and apply all the money received by him in the first place in discharge of Government revenue and of all taxes, rates and assessments whatsoever, and in payment of his commission as aforesaid, and of the premiums on the insurances, if any; and in the next place in payment of all the interest accruing due in respect of any principal money then charged on the property over which he is receiver, or on any part thereof; and, subject as aforesaid, shall pay all the residue of such money to the person for the time being entitled to the property subject to the charge, his executors, administrators or assigns.

This part to relate to charges by way of mortgage only.

19. The powers and provisions contained in Sections 6 to 18 of this Act, both inclusive, relate only to mortgages or charges made to secure money advanced or to be advanced by way of loan, or to secure an existing or future debt.

Leases.

Restriction on effect of license to alien.

20. Where any license to do any act which without such license would create a forfeiture, or give a right to re-enter, under a condition or power reserved in any lease heretofore granted, or to be hereafter granted, shall, at any time after this Act comes into operation, be given to any lessee or his assigns, every such license shall, unless otherwise expressed, extend only to the permission actually given, or to any specific breach of any proviso or covenant made or to be made, or to the actual assignment, under-lease or other matter thereby specifically authorized to be done, but not so as to prevent any proceeding for any subsequent breach (unless otherwise specified in such license); and all rights under covenants and powers of forfeiture and re-entry in the lease contained shall remain in full force and shall be available as against any subsequent breach of covenant or condition, assignment, under-lease, or other matter not specifically authorized or made dispunishable by such license, in the same manner as if no such license had been given; and the condition or right of re-entry shall be and remain in all respects as if such license had not been given, except in respect of the particular matter authorized to be done.

Restricted operation of partial licenses.

21. Where in any lease heretofore granted or to be hereafter granted, there is or shall be a power or condition of re-entry on assigning or under-letting, or doing any other specified act without license, and a license at any time after the passing of this Act shall be given to one of several lessees or co-owners to assign or under-let his share or interest; or to do any other act prohibited to be done without license, or shall be given to any lessee or owner, or any one of several lessees or owners, to assign or under-let part only of the property, or to do any other such act as aforesaid in respect of part only of such property, such license shall not operate to destroy or extinguish the right of re-entry in case of any breach of the covenant or condition by the co-lessee or co-lessees, or owner or owners, of the other shares or interests in the property, or by the lessee or owner of the rest of the property (as the case may be) over, or in respect of, such shares or interests or remaining property, but such right of re-entry shall remain in full force over, or in respect of, the shares or interests or property not the subject of such license.

Apportionment of conditions of re-entry in certain cases.

22. Where the reversion upon a lease is severed, and the rent or other reservation is legally apportioned, the assignee of each part of the reversion shall, in respect of the apportioned rent or other reservation allotted or belonging to him, have and be entitled to the benefit of all conditions or powers of re-entry for non-payment of the original rent or other reservation, in like manner as if such conditions or powers had been reserved to him as incident to his part of the reversion in respect of the apportioned rent or other reservation allotted or belonging to him.

Rent Charges.

Release of part of land charged not to be an extinguishment.

23. The release from a rent-charge of part of the immoveable property charged therewith shall not extinguish the whole rent-charge, but shall operate only to bar the right to recover any part of the rent-charge out of the property released, without prejudice nevertheless to the rights of all persons interested in the property remaining unreleased, and not concurring in or confirming the release.

Powers.

Mode of execution of powers.

24. A deed hereafter executed in the presence of and attested by two or more witnesses in the manner in which deeds are ordinarily executed and attested, shall, so far as respects the execution and attestation thereof, be a valid execution of a power of appointment by deed or by any instrument in writing not testamentary, notwithstanding it shall have been expressly required that a deed or instrument in writing made in exercise of such power should be executed or attested with some additional or other form of execution or attestation or solemnity; Provided always, that this provision shall not operate to defeat any direction in the instrument creating the power that the consent of any particular person shall be necessary to a valid execution, or that any act shall be performed in order to give validity to any appointment, having no relation to the mode of executing and attesting the instrument: and nothing herein contained shall prevent the donee of a power from executing it conformably to the power by writing or otherwise than by an instrument executed and attested as an ordinary deed, and to any such execution of a power this provision shall not extend.

Legatee in trust may raise money by sale, notwithstanding want of express power in the will.

25. Where by any will which shall come into operation after the passing of this Act, the testator shall have charged his immoveable property or any specific portion thereof with the payment of his debts, or with the payment of any legacy or other specific sum of money, and shall have bequeathed the property so charged to any

trustee or trustees for the whole of his estate or interest therein, and shall not have made any express provision for the raising of such debt, legacy, or sum of money out of such property, it shall be lawful for the said legatee or legatees in trust, notwithstanding any trusts actually declared by the testator, to raise such debts, legacy, or money as aforesaid by sale and absolute disposition by public auction or private contract, of the said property or any part thereof, or by a mortgage of the same, or partly in one mode and partly in the other; and any deed or deeds of mortgage so executed may reserve such rate of interest and fix such period or periods of repayment as the person or persons executing the same shall think proper.

Powers given by last section extended to survivors, legatees, &c.

26. The powers conferred by the last preceding Section shall extend to all and every person or persons in whom the property bequeathed in trust shall for the time being be vested by survivorship, or under the laws relating to intestate or testamentary succession, or to any person or persons who may be appointed under any power in the will, or by the High Court, to succeed to the trusteeship vested in such legatee or legatees in trust as aforesaid.

Executors to have power of raising money, &c., where there is no sufficient bequest

27. If any testator who shall have created such a charge as is described in Section 25 of this Act, shall not have bequeathed the property charged as aforesaid in such terms as that his whole estate and interest therein shall become vested in any trustee or trustees, the executor or executors (if any) for the time being named in such will, shall have the same or the like power of raising the said monies as is hereinbefore vested in the legatee or legatees in trust of the said property, and such power shall from time to time devolve on and become vested in the person or persons (if any) in whom the executorship shall for the time being be vested.

Purchasers, &c., not bound to enquire as to powers

28. Purchasers or mortgagees shall not be bound to enquire whether the powers conferred by Sections 25, 26 and 27 of this Act, or any of them, shall have been duly and correctly exercised by the person or persons acting in virtue thereof.

Inheritance.

Descent how to be traced.

29. In cases of intestacies occurring before the first day of January 1866, where there shall be a total failure of heirs of the purchaser, or where any immoveable property shall be descendable as if an ancestor had been the purchaser thereof, and there shall be a total failure of the heirs of such ancestor, then and in every such case the property shall descend, and the descent shall thenceforth be traced from the person last entitled to the property as if he had been the purchaser thereof. This Section shall be read as part of Act No. XXX of 1839 *(for the amendment of the law of inheritance).*

Assignment of Moveables and Terms for years.

Assignment to self and others.

30. Any person shall have power to assign moveable property now by law assignable, terms for years of immoveable property, and estates by *elegit*, directly to himself and another person or other persons or corporation, by the like means as he might assign the same to another.

Purchasers.

Not to be bound to see to the application of purchase money, &c.

31. The *bonâ fide* payment to and the receipt of any person to whom any purchase or mortgage money shall be payable upon any express or implied trust, shall effectually discharge the person paying the same from seeing to the application, or being answerable for the misapplication thereof.

Investment of Trust Funds.

On what securities trust funds may be invested.

32. Trustees having trust money in their hands which it is their duty to invest at interest, shall be at liberty, at their discretion, to invest the same in any Government securities, and such trustees shall also be at liberty, at their discretion, to call in any trust funds invested in any other securities than as aforesaid, and to invest the same on any such securities as aforesaid, and also from time to time at their discretion, to vary any such investments as aforesaid for others of the same nature: Provided always, that no such original investment as aforesaid, and no such change of investment as aforesaid, shall be made where there is a person under no disability entitled in possession to receive the income of the trust fund for his life, or for a term of years determinable with his life, or for any greater estate, without the consent in writing of such person.

Trustees and Executors.

Trustees may apply income of property of minors, &c., for their maintenance.

33. In all cases where any property is held by trustees in trust for a minor, either absolutely or contingently on his attaining majority, or on the occurrence of any event previously to his attaining majority, it shall be lawful for such trustees at their sole discretion, to pay to the guardians (if any) of such minor, or otherwise to apply for or towards the maintenance or education of such minor, the whole or any part of the income to which such minor may be entitled in respect of such property, whether there be any other fund applicable to the same purpose, or any other person bound by law to provide for such maintenance or education, or not; and such trustees shall accumulate all the residue of such income by way of compound interest, by investing the same and the resulting income thereof from time to time in proper securities, for the benefit of the person who shall ultimately become entitled to the property from which such accumulations shall have arisen: Provided always, that it shall be lawful for such trustees at any time, if it shall appear to them expedient, to apply the whole or any part of such accumulations as if the same were part of the income arising in the then current year.

Provisions for appointment of new trustees on death, &c.

34. Whenever any trustee, either original or substituted, and whether appointed by any High Court or otherwise, shall die, or be six months absent from British India, or desire to be discharged from or refuse, or become unfit or incapable to act in the trusts or powers in him reposed, before the same shall have

been fully discharged and performed, it shall be lawful for the person or persons nominated for that purpose by the deed, will, or other instrument creating the trust (if any), or if there be no such person, or no such person able and willing to act, then for the surviving or continuing trustees or trustee for the time being, or the acting executors or executor, or administrators or administrator of the last surviving and continuing trustee, or for the retiring trustees, if they shall all retire simultaneously, or for the last retiring trustee, or where there are two more classes of trustees of the instrument creating the trust, then for the surviving or continuing trustees or trustee of the class in which any such vacancy or disqualification shall occur (and for this purpose any refusing or retiring trustee shall, if willing to act in the execution of the power, be considered a continuing trustee) by writing to appoint any other person or persons to be a trustee or trustees in the place of the trustee or trustees so dying, or being absent from British India, or desiring to be discharged, or refusing or becoming unfit or incapable to act as aforesaid. So often as any new trustee or trustees shall be so appointed as aforesaid, all the trust property (if any) which for the time being shall be vested in the surviving or continuing trustees or trustee, or in the heirs, executors or administrators of any trustee, shall with all convenient speed be conveyed and transferred so that the same may be legally and effectually vested in such new trustee or trustees, either solely or jointly with the surviving or continuing trustees or trustee, as the case may require. Every new trustee to be appointed as aforesaid, as well before as after such conveyance or transfer as aforesaid, and also every trustee appointed by any High Court either before or after the passing of this Act, shall have the same powers, authorities, and discretions, and shall in all respects act as if he had been originally nominated a trustee by the deed, will, or other instrument (if any) creating the trust. The Official Trustee may with his consent, and by the order of the High Court, be appointed under this section in any case in which only one trustee is to be appointed and such trustee is to be the sole trustee.

Appointment of new trustee in place of trustee predeceasing testator.

35. The power of appointing new trustees hereinbefore contained, may be exercised in cases where a trustee nominated in a will has died in the life-time of the testator.

Trustees' receipts to be discharges.

36. The receipts in writing of any trustees or trustee for any money payable to them or him by reason, or in the exercise, of any trusts or powers reposed or vested in them or him, shall be sufficient discharges for the money therein expressed to be received, and shall effectually exonerate the persons paying such money from seeing to the application thereof, or from being answerable for any loss or misapplication thereof.

Every trust instrument to be deemed to contain clauses for the indemnity and reimbursement of the trustees.

37. Every deed, will, or other instrument creating a trust either expressly or by implication, shall, without prejudice to the clauses actually contained therein, be deemed to contain a clause in the words or to the effect following, that is to say, "that the trustees or trustee for the time being of the said deed, will, or other instrument, shall be respectively chargeable only for such moneys, stocks, funds and securities as they shall respectively actually receive, notwithstanding their respectively signing any receipt for the sake of conformity, and shall be answerable and accountable only for their own acts, receipts, neglects, or defaults, and not for those of each other, nor for any banker, broker, or other person with whom any trust moneys or securities may be deposited, nor for the insufficiency or deficiency of any stocks, funds, or securities, nor for any other loss, unless the same shall happen through their own wilful default respectively; and also that it shall be lawful for the trustees or trustee for the time being of the said deed, will, or other instrument, to reimburse themselves or himself, or pay or discharge out of the trust premises all expenses incurred in or about the execution of the trusts or powers of the said deed, will, or other instrument."

Executors may compound, &c.

38. It shall be lawful for any executors to pay any debts or claims upon any evidence that they may think sufficient, and to accept any composition, or any security for any debts due to the deceased, and to allow any time for payment of any such debts as they shall think fit, and also to compromise, compound, or submit to arbitration all debts, accounts, claims, and things whatsoever relating to the estate of the deceased, and for any of the purposes aforesaid to enter into, give, and execute such agreements, instruments of composition, releases, and other things as they shall think expedient, without being responsible for any loss to be occasioned thereby.

Trustee, &c., making payment under power of attorney, not to be liable by reason of death of party giving such power.

39. No trustee, executor, or administrator making any payment or doing any act *bonâ fide* under or in pursuance of any power of attorney, shall be liable for the moneys so paid or the act so done, by reason that the person who gave the power of attorney was dead at the time of such payment or act, or had done some act to avoid the power: Provided that the fact of the death, or of the doing of such act as last aforesaid, at the time of such payment or act *bonâ fide* done as aforesaid by such trustee, executor, or administrator, was not known to him: Provided always that nothing herein contained shall in any manner affect or prejudice the right of any person entitled to the money against the person to whom such payment shall have been made; but that such person so entitled shall have the same remedy against such person to whom such payment shall be made as he would have had against the trustee, executor or administrator, if the money had not been paid away under such power of attorney.

As to liability of executor or administrator in respect of rents, covenants, or agreements

40. Where an executor or administrator liable as such to the rents, covenants, or agreements contained in any lease or agreement for a lease granted or assigned, whether before or after the passing of this Act, to the testator or intestate whose estate is being administered, shall have satisfied all such liabilities under the said lease, or agreement for a lease as may have accrued due and been claimed up to the time of the assignment hereinafter mentioned, and shall have set apart a sufficient fund to answer any

future claim that may be made in respect of any fixed and ascertained sum covenanted or agreed by the lessee to be laid out on the property demised or agreed to be demised, although the period for laying out the same may not have arrived, and shall have assigned the lease or agreement for a lease to a purchaser thereof, he shall be at liberty to distribute the residuary estate of the deceased to and amongst the parties entitled thereto, respectively, without appropriating any part, or any further part (as the case may be) of the estate of the deceased to meet any future liability under the said lease or agreement for a lease. The executor or administrator so distributing the residuary estate shall not, after having assigned the said lease or agreement for a lease, and having, where necessary, set apart such sufficient fund as aforesaid, be personally liable in respect of any subsequent claim under the said lease or agreement for a lease. Nothing herein contained shall prejudice the right of the lessor or those claiming under him to follow the assets of the deceased into the hands of the person or persons to or amongst whom the said assets may have been distributed.

As to liability of executor, &c., in respect of rents, &c., in conveyance on rent-charge.

41. In like manner, where an executor or administrator liable as such to the rent, covenants, or agreements contained in any conveyance on chief rent or rent-charge (whether any such rent be by limitation of use, grant, or reservation), or agreement for such conveyance, granted or assigned to or made and entered into with the testator or intestate whose estate is being administered, shall have satisfied all such liabilities under the said conveyance or agreement for a conveyance, as may have accrued due and been claimed up to the time of the conveyance hereinafter mentioned, and shall have set apart a sufficient fund to answer any future claim that may be made in respect of any fixed and ascertained sum covenanted or agreed by the grantee to be laid out on the property conveyed, or agreed to be conveyed, although the period for laying out the same may not have arrived, and shall have conveyed such property, or assigned the said agreement for such conveyance as aforesaid, to a purchaser thereof, he shall be at liberty to distribute the residuary estate of the deceased to and amongst the parties entitled thereto, respectively, without appropriating any part or any further part (as the case may be) of such estate to meet any future liability under the said conveyance, or agreement for a conveyance. The executor or administrator so distributing the residuary estate shall not, after having made or executed such conveyance or assignment, and having, where necessary, set apart such sufficient fund as aforesaid, be personally liable in respect of any subsequent claim under the said conveyance, or agreement for conveyance. Nothing herein contained shall prejudice the right of the grantor, or those claiming under him, to follow the assets of the deceased into the hands of the person or persons to or among whom the said assets may have been distributed.

As to distribution of the assets of testator or intestate after notice given by executor and administrator.

42. Where an executor or administrator shall have given such or the like notices, as in the opinion of the Court in which such executor or administrator is sought to be charged would have been given by the High Court in an administration suit, for creditors and others to send into the executor or administrator their claims against the estate of the testator or intestate, such executor or administrator shall, at the expiration of the time named in the said notices, or the last of the said notices, for sending in such claims, be at liberty to distribute the assets of the testator or intestate, or any part thereof, amongst the parties entitled thereto, having regard to the claims of which such executor or administrator has then notice, and shall not be liable for the assets or any part thereof so distributed to any person of whose claim such executor or administrator shall not have had notice at the time of distribution of the said assets or a part thereof, as the case may be. Nothing in the present Act contained shall prejudice the right of any creditor or claimant to follow the assets or any part thereof into the hands of the person or persons who may have received the same respectively.

Trustee, executor, &c., may apply by petition to Judge of High Court for opinion, advice, &c., in management, &c., of trust property.

43. Any Trustee, executor, or administrator shall be at liberty, without the institution of a suit, to apply by petition to any Judge of the High Court for the opinion, advice or direction of such Judge on any question respecting the management or administration of the trust property or the assets of any testator or intestate. Such application shall be served upon or the hearing thereof shall be attended by all persons interested in such application, or such of them as the said Judge shall think expedient. The trustee, executor or administrator acting upon the opinion, advice, or direction given by the said Judge shall be deemed, so far as regards his own responsibility, to have discharged his duty as such trustee, executor or administrator in the subject matter of the said application: Provided nevertheless, that this Act shall not extend to indemnify any trustee, executor or administrator in respect of any act done in accordance with such opinion, advice or direction as aforesaid, if such trustee, executor or administrator shall have been guilty of any fraud or wilful concealment or misrepresentation in obtaining such opinion, advice or direction: and the costs of such application as aforesaid shall be in the discretion of the Judge to whom the said application shall be made.

General Provisions.

Tenants for life, &c., may execute powers, notwithstanding incumbrances.

44. For the purposes of this Act, a person shall be deemed to be entitled to the possession, or to the receipt of the rents and income of immoveable or moveable property, although his estate may be charged or incumbered, either by himself or by any former owner, or otherwise howsoever to any extent; but the estates or interests of the parties entitled to any such charge or incumbrance shall not be affected by the acts of the person entitled to the possession or to the receipt of the rents and income as aforesaid, unless they shall concur therein.

Operation of Act.

45. The provisions contained in this Act shall, except as hereinbefore otherwise provided, extend only to persons entitled or acting under a deed, will, codicil or other instrument executed after this Act comes into operation, or under a will or codicil

confirmed or revived by a codicil executed after that date, and only to property in British India and to cases to which English law is applicable.

Short title.

46. This Act may be called The Trustees and Mortgagees' Powers Act, 1866.

From 1st February 1867, Act to apply to Straits Settlements.

47. On and after the first day of February 1867, but not till then, this Act shall apply to the Settlement of Prince of Wales' Island, Singapore and Malacca; and, in the said Settlement, Section 29 of this Act shall be read as if the words and figures "first day of February 1867" were substituted for the words and figures "first day of January 1866."

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 24th October 1866, and is hereby promulgated for general information :—

ACT No. XXIX OF 1866.

To enlarge the jurisdiction of the Courts of Requests in the Settlement of Prince of Wales' Island, Singapore and Malacca.

Preamble.

WHEREAS by the Letters Patent re-constituting the Court of Judicature of Prince of Wales' Island, Singapore and Malacca, Her Majesty, among other things, authorized and empowered the Governor or President and Council of the said Settlement for the time being to erect and establish such Court or Courts of Judicature as they should see fit for the recovery of small debts, and for the trial and determination of all suits and causes whatsoever against any of the inhabitants of the said Settlement, wherein the debt, duty, or matter in dispute should not exceed the value of thirty-two dollars; and whereas under the said authority Courts of Requests have been established at Penang, Province Wellesley, Singapore, and Malacca; and whereas it is expedient that the said Courts, and also any other Courts which may hereafter be established under the said authority, should have jurisdiction in all suits wherein the matter in dispute shall not exceed the value of fifty dollars; It is enacted as follows :—

Courts of Requests authorized to try suits to an amount or value not exceeding 100 dollars.

1. From and after the passing of this Act, any Court or Courts established or which may be established in the Settlement of Prince of Wales' Island, Singapore and Malacca, under the said authority, shall have jurisdiction to try and determine all suits brought for the recovery of debts, and all suits and causes whatever against any of the inhabitants of the said Settlement or the places now, or at any time hereafter to be, subordinate or annexed thereto, wherein the debt, duty, or matter in dispute shall not exceed the value of fifty dollars.

Appointment, remuneration and removal of Bailiffs and Appraisers

2. It shall be lawful for the Commissioners of the Court of Requests respectively in the several Stations of the Settlement of Prince of Wales' Island, Singapore and Malacca, to appoint four or more persons to be Bailiffs and Appraisers for the purposes of this Act, and with the sanction of the Governor of the said Settlement to fix such remuneration for the services of the said Officers as shall appear to the said Commissioners expedient, and such persons shall be duly sworn before the said Commissioners, and shall also give security, to be approved by the said Commissioners, faithfully to discharge the duties of their office, and the said Commissioners shall have power to suspend or remove such persons so appointed: Provided that it shall be lawful for the said Commissioners respectively to appoint the Bailiffs who may be attached from time to time to the said Courts respectively to the office of Distraining Bailiffs and Appraisers, for the purposes of this Act, and to award to the said Officers such remuneration, in addition to their respective salaries drawn from the said Court, as to the said Commissioners with the sanction of the Governor of the said Settlement shall appear expedient.

Issue of distress warrant.

3. It shall be lawful for any Commissioner of a Court of Requests in any such Station, upon the affidavit in the form contained in the Schedule to this Act annexed (marked D) of any party claiming to be entitled to arrears of rent of any house or premises situate in such Station, not exceeding the amount of fifty dollars, or in case of absence of such party from such Station, or in case of respectable females who do not appear in public, upon the affidavit of the constituted attorney of such party, stating the amount of such arrears, and for what time and at what rate the same became due, to issue a warrant under his hand and seal, in the form contained in the Schedule to this Act annexed (marked A), addressed to any one of such Officers of such Court, directing him to levy the amount of such rent, together with the costs of the said distress, in the manner therein mentioned: Provided that it shall be lawful for any of the said Commissioners, upon personal examination of the party applying for such warrant, to grant or withhold the same, at the discretion of the said Commissioner.

Seizure of goods and chattels.

4. By virtue of such warrant, it shall be lawful for such Officer to seize the whole or such part of the goods and chattels upon the said premises as shall be sufficient to cover the amount of the said rent, together with the costs of the said distress, and he shall thereupon make an inventory of the goods and chattels so seized, and shall give a notice in writing in the form in the Schedule to this Act annexed (marked B), to the party from whom such rent is claimed to be due, or to any other person upon behalf of such party upon the said premises, that the said goods and chattels will be appraised and sold in manner therein mentioned. And the said Officer shall file in the Court of Requests, from which the warrant issued, true copies of the said inventory and notice: Provided that it shall be lawful for the party from whom such rent is claimed to be due, at any time within five days from such seizure, to apply to any Commissioner of such Court to discharge or suspend

such warrant, and it shall be lawful for such Commissioner to discharge or suspend such warrant accordingly, with or without costs: Provided that it shall be lawful for any of the said Commissioners in his discretion to give reasonable time to such party to pay the said rent.

Sale of goods and chattels.

5. In default of such application, it shall be lawful for any two of such Officers of such Court, at the expiration of five days from such seizure, to appraise the goods and chattels so seized, and to give notice in writing in the form in the Schedule to this Act annexed (marked E) of the sale thereof, at such time and place as they shall direct, after an interval of not less than two days; and they shall file in such Court a true copy of the said notice, and that the same shall be sold accordingly, and the said Officers shall forthwith, after realization of the produce of the said sale, pay over the amount thereof to the Chief Clerk of the said Court, or other Head Officer of such Court, and the amount of such produce shall be applied in satisfaction of the sum claimed to be due, together with the costs of the said distress, and the surplus, if any, shall be returned to the party from whom the said rent was claimed to be due: Provided that it shall be lawful for such party to direct that such sale shall take place in any other manner, such party giving security for any extra costs attending such mode of sale.

Costs of distress.

6. No costs shall be taken or demanded for such distress, except those contained in the Schedule to this Act annexed (marked C), and it shall be lawful for the said Commissioners of the Court out of which such distress is issued, with the sanction of the Governor of the said Settlement, to apply the sum so raised as costs towards the payment of the contingent charges and remuneration of the said Bailiffs and Appraisers, as shall appear to the said Commissioners expedient, and the Chief Clerk or other Head Officer of the said Court shall keep a book, in which all sums received as costs upon distresses made under the provisions of this Act, and all sums paid as remuneration to the said Bailiffs and Appraisers, and all contingent charges incurred in respect of such distresses shall be duly entered, and the Chief Clerk or other Officer, as aforesaid, of the said Court, shall also enter in the said book all sums realized by sale of the goods and chattels distrained and paid over to the landlords, under the provisions of this Act.

No distress for arrears of rent amounting to fifty dollars except under this Act.

Penalty.

7. After the passing of this Act, no distress shall be levied for arrears of rent amounting to fifty dollars or less, except under the provisions of this Act; and any person, except such Officer as shall be appointed, under this Act, levying or attempting to levy any such distress, shall be guilty of a misdemeanor, and shall be liable to be punished by fine and imprisonment for the same, in addition to any other liability he may have incurred by such trespass.

Act not to apply to rent due to Government.

8. This Act shall not extend to any arrears of rent exceeding fifty dollars, nor in respect of any house or premises situate out of the local jurisdiction of any such Court, nor to any rent due to Government, nor to any seizure, except on the premises in respect of which such rent is claimed.

Seal of Court.

9. A seal shall be made for every Court of Requests in the said Settlement under the direction of the Governor of the said Settlement, and all summonses and other process issuing out of any such Court shall be sealed or stamped with the seal of the Court; and every person who shall forge the seal or any process of any such Court, or who shall serve or enforce any such forged process knowing the same to be forged, or deliver or cause to be delivered to any person any paper falsely purporting to be a copy of any summons or other process of such Court, knowing the same to be false, or who shall act, or profess to act under any false color or pretence of the process of the said Court, shall be guilty of felony.

Mode of examining witnesses.

10. Every person who shall give evidence in any Court of Requests in the said Settlement shall be examined on oath, or when exempt by law from taking an oath, on solemn affirmation; and every person, who, in any examination upon oath or solemn affirmation, under this Act, shall wilfully and corruptly give false evidence, shall be deemed guilty of perjury.

Summonses to witnesses.

11. Either of the parties to a suit or any other proceeding in any Court of Requests in the said Settlement may obtain, at the Office of the Clerk of such Court or other Officer as aforesaid, summonses to witnesses, with or without a clause, requiring the production of books, deeds, papers and writings in their possession or control, and in any such summons any number of names may be inserted.

Penalty for witness not appearing, &c.

12. Every person, on whom any such summons shall have been served, either personally or in such other manner as shall be directed by the general rules or practice of the Court of Requests out of which such summons shall issue, and who shall refuse or neglect, without sufficient cause, to appear or to produce any books, papers, or writings required by such summons to be produced, and also every person present in any such Court, who shall be required to give evidence, and who shall refuse to be sworn and give evidence, shall forfeit and pay such fine, not exceeding fifty dollars, as the Commissioners of such Court shall impose on him, and the whole or any part of such fine in the discretion of the Commissioners after deducting the costs, may be applied towards indemnifying the party injured by such refusal or neglect.

Issue of warrant for arrest of defendant evading process or concealing property.

13. The Commissioners of any Court of Requests in the said Settlement, in all suits where the debt or demand exceeds the sum of fifteen dollars, upon proof before them that any defendant, against whom a summons has been taken out, conceals himself from, or otherwise evades process of, such Court, or is disposing of his property and effects, with intent to defraud the plaintiff or his creditors generally, or is about to withdraw his person or

effects from the jurisdiction of such Court, may issue a warrant for the apprehension of such person, and may commit him to gaol, until he shall find security for his appearance in such Court, from time to time, until judgment shall be pronounced in the suit commenced by such summons, and for payment of the amount and the costs which may be decreed against him therein.

Enforcement of fines.

14. Payment of any fine imposed by any Court of Requests under the authority of this Act may be enforced upon the order of the Commissioners of such Court in like manner as payment of any debt adjudged in the said Court, and shall be accounted for as herein provided.

Execution may issue either against person or property of debtor.

15. Whenever any Court of Requests in the said Settlement shall have made an order for the payment of money, the amount shall be recoverable, in case of default or failure of payment thereof forthwith, or at the time or times and in the manner directed, by execution against the body or the goods and chattels of the person against whom such order is made, without further notice or order, and the Clerk of the said Court or other Officer as aforesaid, at the request of the person prosecuting such order, shall issue under the seal of the Court a writ of execution to one of the Bailiffs of such Court, which shall be his warrant to take the body of such person in execution, or to levy, or cause to be levied by distress and sale of the goods and chattels of such person, such sum of money as shall be so ordered, wheresoever they may be found within the district of the Court, and also the costs of the execution; and all Constables and other Peace Officers within their several jurisdictions shall aid in the execution of every such writ.

In case of order to pay by instalments, execution to issue on default of payment, without further notice.

16. If any such Court shall have made any order for payment of any sum of money by instalments, execution upon such order shall not issue until after default in payment of some instalment according to such order; and execution or successive executions may then issue without further notice or order for the whole of the said sum of money and costs then remaining unpaid, or for such portion thereof as such Court shall order, either at the time of making the original order, or at any subsequent time, under the seal of the Court.

Warrants in execution against the body.

17. Whenever any warrant shall issue for taking in execution the body of any person under this Act, the Bailiffs of the Court of Requests out of which such warrant shall issue, shall be empowered, by virtue thereof, to take and convey him to any prison appointed by the Governor of the Settlement to be the prison of such Court there to remain for such term as shall be directed by the warrant not longer than six calendar months, or until he shall sooner perform the order of such Court.

No person to be twice imprisoned, nor execution against body and goods to issue at the same time under same judgment.

18. No person shall be imprisoned twice under the same judgment, nor shall execution against the body and goods issue at the same time under the same judgment.

Warrants in execution against goods.

19. Every Bailiff executing any process of execution issuing out of any such Court against the goods of any person, may, by virtue thereof, seize and take any of the goods of such person (excepting the necessary wearing apparel and bedding of such person or his family, and the tools and implements of his trade), and may also seize and take any money or bank notes, and any cheques, bills of exchange, promissory notes, bonds, specialties or securities for money belonging to any such person against whom any execution shall have issued as aforesaid.

Penalty for contempts of Court.

20. If any person shall wilfully insult any Commissioner, Clerk, or Officer of any such Court, for the time being during his sitting or attendance in Court, or shall wilfully interrupt the proceedings of any such Court, or otherwise misbehave in any such Court, it shall be lawful for any Bailiff or Officer of the Court, with or without the assistance of any other person, by the order of a Commissioner of such Court, to take such offender into custody, and detain him until the rising of such Court; and the Commissioners shall be empowered, if they shall think fit, by a warrant under their hands, and sealed with the seal of the Court, to commit any such offender to any prison to which they have power to commit offenders under this Act, for any time not exceeding seven days, or to impose upon any such offender a fine not exceeding twenty-five dollars, for every such offence, and in default of payment thereof to commit the offender to any such prison as aforesaid, for any time not exceeding seven days, unless the said fine be sooner paid, or instead of inflicting summary punishment under this Act, may cause the offender to be indicted in the Court of Judicature if the offence be an indictable misdemeanor.

Penalty for assaulting Bailiff, &c., in execution of duty.

21. If any Officer or Bailiff of any such Court shall be assaulted while in the execution of his duty, or if any rescue shall be made or attempted to be made of any person arrested or goods levied under process of any such Court, the person so offending shall be liable to a fine not exceeding fifty dollars, to be recovered by order of such Court, or before a Magistrate, and the Bailiff of the Court, or any Peace Officer in any such case, may take the offender into custody (with or without warrant) and bring him before such Court or Magistrate accordingly.

Penalty for Bailiff neglecting, &c., to execute warrant.

22. If any Bailiff of any such Court, who shall be employed to execute any warrant of any such Court, shall, by neglect, or connivance, or omission, lose an opportunity of executing such warrant, then, upon complaint of the party aggrieved by reason of such neglect, connivance, or omission (and the fact alleged being proved to the satisfaction of the Court), the Commissioners of such Court shall order the Bailiff to pay such damages as it shall appear that the plaintiff has sustained thereby, not exceeding in any case the sum of money for which the said execution is issued, and the Bailiff shall be liable thereto, and upon demand made therefo and on his refusal so to pay and satisfy the same, payment thereof shall be enforced by such ways and means

as are herein provided for enforcing a judgment recovered in the said Court, without prejudice nevertheless to the execution of the original warrant.

Penalty for misconduct on part of Clerk, Bailiff, &c.

23. If any Clerk, Bailiff, or other Officer of any such Court acting under colour or pretence of the process of the said Court shall be charged with extortion or misconduct, or with not duly paying or accounting for any money levied by him under the authority of this Act, the Commissioners of such Court may enquire into such matter in a summary way, and for that purpose may summon and enforce the attendance of all necessary parties in like manner as the attendance of witnesses in any case may be enforced, and may make such order thereupon for the re-payment of any money extorted, or for the due payment of any money so levied as aforesaid, and for the payment of such damages and costs, as they shall think just, and also if they shall think fit, may impose such fine upon the Clerk, Bailiff, or Officer, not exceeding fifty dollars for each offence, as they shall deem adequate, and in default of payment of any money so ordered to be paid, payment of the same may be enforced by such ways and means as are herein provided for enforcing a judgment recovered in the said Court.

Penalty for Clerk, &c., taking bribe.

24. Every Clerk, Bailiff, or other Officer employed in putting any of the powers of this Act in execution, who shall wilfully and corruptly exact, take, or accept any fee or reward whatsoever, other than his lawful salary, for any thing done or to be done by virtue of this Act, or on any account whatsoever relative to putting this Act into execution, shall, upon proof thereof before the Court in which such Clerk, Bailiff, or Officer is employed, and in the case of a Clerk, on conformation of the finding of the Court by the Governor of the said Settlement, be for ever incapable of serving or being employed under this Act in any office of profit or emolument, and shall also be liable for damages as herein provided.

Provision for cases of erroneous execution of process.

25. If any claim shall be made to or in respect of any goods or chattels taken in execution under the process of any Court of Requests under this Act, or in respect of the proceeds or value thereof, by any person not being the party against whom such process has issued, the Clerk of such Court or other Officer has aforesaid, upon application of the Officer charged with the execution of such process, as well before as after any action brought against such Officer, may issue a summons, calling before the said Court, as well the party issuing such process as the party making such claim, and thereupon any action which shall have been brought in the Court of Judicature in respect of such claim, shall be stayed, and the Judge of the Court of Judicature, on proof of the issue of such summons, and that the goods and chattels were so taken in execution, may order the party bringing such action to pay the costs of all proceedings had upon such action, after the issue of such summons out of such Court of Requests; and the Commissioners of such Court of Requests shall adjudicate upon such claim, and make such order between the parties in respect thereof, and of the costs of the proceedings as to them shall seem fit, and such order shall be enforced in like manner as any order made in any suit brought in such Court.

Limit of damages in actions against Clerk, &c.

26. If any person shall bring any suit in any Court of Judicature in the said Settlement in respect of any grievance committed by the Clerk, Bailiff or Officer of any Court of Requests within the jurisdiction of such Court of Judicature under colour or pretence of the process of the said Court of Requests, and upon the trial of the action, no greater damages shall be found for the plaintiff than the sum of two hundred and fifty dollars, no costs shall be awarded to the plaintiff in such action, unless the Judge shall certify in Court, upon the back of the record, that the action was fit to be brought in the Court of Judicature.

Form of conviction.

27. In all cases where any conviction shall be had for any offence committed against this Act, the form of conviction may be in the words or to the effect following (that is to say) Be it remembered that on this day of in the year A. B. is convicted before a Magistrate for the or before a Commissioner acting under Act No. XXIX of 1866 of having (state the offence) and I (or we) the said do adjudge the said to forfeit and pay for the same the sum of [or to be committed to for the space of] given under hand ( ) and seal ( ) the day and year aforesaid.

No order, &c., to be quashed for want of form.

28. No order, verdict of judgment, or other proceeding, made concerning the matters aforesaid, shall be quashed or vacated for want of form.

Distress not unlawful on account of defect or informality.

29. Where any distress shall be made for any sum of money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on account of any defect or want of form in the information, summons, conviction, warrant of distress or other proceeding relating thereto, nor shall the party distraining be deemed a trespasser from the beginning on account of any irregularity which shall afterwards be committed by the party so distraining, but the person aggrieved by such irregularity may recover full satisfaction for the special damage in an action upon the case.

Limitation of actions.

30. All actions and prosecutions to be commenced against any person for any thing done in pursuance of this Act shall be commenced within three calendar months after the fact committed, and not afterwards, and notice in writing of such action, and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and no plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action is brought, or if after action brought a sufficient sum of money shall have been paid into Court, with costs by or on behalf of the defendant.

A.

In the Court of Requests in and for the Station of (as the case may be).

FORM OF WARRANT.

I hereby direct you to distrain the goods and chattels on the premises of A. B., situate in in the for the sum of dollars, being the amount of months' rent due to C. D. for the same, on the day of last according to the provisions of the Act No. XXIX of 1866, dated 1st day of May.

To (Signed and Sealed)

E. F.

(Sworn Bailiff and Appraiser.

B.

In the Court of Requests in and for the Station of (as the case may be).

FORM OF INVENTORY AND NOTICE.

(State particulars of goods seized)

Take notice that I have this day seized the goods and chattels contained in the above inventory for the sum of dollars, being the amount of months' rent due to C. D. at last, and that unless you pay the amount thereof, together with the costs of this distress, within five days from the date hereof, or obtain an order from one of the Commissioners of the Court of Requests to the contrary, the same will be appraised and sold, pursuant to the provisions of the Act No. XXIX of 1866.

(Signed) E. F.,

Sworn Bailiff and Appraiser.

To

A. B.

C.

In the Court of Requests in and for the Station of

SCALE OF FEES TO BE LEVIED IN DISTRAINTS FOR HOUSE RENT.

SUMS SUED FOR.	Affidavit, &c., Warrant to distrain.	Order to sell.	Commission.	Total.	REMARKS.
	Dol. ct.	Dol. ct.	Dol. ct.	Dol. ct.	
1 and under 5 Dollars.					
5 " 10 "					
10 " 15 "					
15 " 20 "					
20 " 25 "					
25 " 30 "					
30 " 35 "					
35 " 40 "					
40 " 45 "					
45 " 50 "					

The above scale is intended to include all expenses, except in suits where the tenant disputes the landlord's claim, and witnesses have to be subpœnaed, in which case each subpœna for sums under must be paid for at each, and above that amount, and also where peons were kept in charge of property distraint, per day must be paid per man.

D.

In the Court of Requests in and for the Station of (as the case may be).

A. B. (Plaintiff)

versus

C. D. (Defendant)

A. B., inhabitant of in the Station of maketh oath and saith, that C. D., who is also an inhabitant of the town of is justly indebted to in the sum of dollars for arrears of rent of the house and premises No. situated at in the Station of due for month, to wit, from to at the rate of dollars per mensem. Sworn before me the day of 18

Commissioner.

E.

In the Court of Requests in and for the Station of (as the case may be).

Take notice that we have appraised the goods and chattels seized on the under the provisions of the Act No. XXIX of 1866 of which a notice and inventory had been duly served upon you under date the , and that the said goods and chattels will be sold on the at pursuant to the provisions of the said Act.

(Signed) E. F.,

" G. H.,

Sworn Bailiffs and Appraisers.

To

A. B.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 24th October 1866, and is hereby promulgated for general information :—

ACT No. XXX. OF 1866.

An Act for amending the laws for collecting a Revenue of Excise on Spirituous Liquors and Intoxicating Drugs in the Settlement of Prince of Wales' Island, Singapore and Malacca.

Preamble.

WHEREAS it is expedient to amend the laws for the collection of a Revenue of Excise upon Opium, Chandoo, Spirituous Liquors, Toddy and Bhang, and the granting of Excise Licenses for the sale of the said articles by retail within the Settlement of Prince of Wales' Island, Singapore and Malacca: It is enacted as follows :—

Repeal of Act XIV of 1851.

1. Act No. XIV of 1851 (*for consolidating the laws for collecting a Revenue of Excise on Spirituous Liquors and Intoxicating Drugs, in the Settlement of Prince of Wales' Island, Singapore and Malacca*), is hereby repealed, except in so far as that Act repeals any other Regulations or Acts, and except as to acts done, offences committed, and liabilities incurred before the passing of this Act. Section 53 of Act XIII of 1856 (*for regulating the Police of the Towns of Calcutta, Madras and Bombay, and the several Stations of the Settlement of Prince of Wales' Island, Singapore and Malacca*), shall be read as if the reference therein made to the said Act No. XIV of 1851 were made to this Act.

Duties imposed.

2. All Opium, Chandoo and Opium Dross, and all Spirituous Liquors, and all Toddy and Bhang shall, except as is hereinafter provided, be liable to a duty, when used or consumed in any of the Stations of the said Settlement.

Exclusive rights.

3. The exclusive right of making or preparing Chandoo or Opium Dross, and of retailing Chandoo or Opium Dross, or Opium in smaller quantities than one chest; and the exclusive right of retailing Spirituous Liquors, and of making and distilling Spirituous Liquors; and the exclusive right of selling Toddy and Bhang, within the Settlement of Prince of Wales' Island, Singapore and Malacca, shall be vested, from time to time, in such persons as the Local Government may license for that purpose, either by public or private sale of such exclusive rights, and on such conditions as may be proper, to secure the due payment of the rents and revenues of the said Farms, and to provide equitable arrangements for the transfer of the stocks of machinery and exciseable articles in the possession or any Farmer at the end of his term of exclusive privilege to the next succeeding Farmer.

Farmer's name.

4. Any person in whom the exclusive right of making or preparing Chandoo or Opium Dross, and of retailing Opium in smaller quantities than one chest shall be vested, shall be called the "*Opium Farmer* of Prince of Wales' Island," or "of Singapore," or "of Malacca," as the case may be; and the person on whom the exclusive right of retailing Spirituous Liquors, and of making and distilling and compounding Spirituous Liquors shall be vested, shall be called the "*Spirit Farmer* of Prince of Wales' Island," or "of Singapore," or "of Malacca," as the case may be; and the person in whom the exclusive right of selling Toddy and Bhang shall be vested, shall be called the "*Toddy Farmer* of Prince of Wales' Island," or "of Singapore," or "of Malacca," as the case may be.

Farmers to sign contract, and give security, &c.

5. No person in whom such exclusive right may be vested, shall use such right until after he shall have entered into a contract in writing with the Local Government, binding himself to adhere to the terms of such contract, and to the provisions of this Act; and the several Farmers shall give such security, as may seem to the Local Government to be sufficient, for the due fulfilment of their contracts, by deposit of money or valuable securities, or by mortgage of real or personal property or otherwise: And it shall be lawful for the Local Government to sell, dispose of and realize all such property mortgaged, pledged or deposited, without action, suit or other legal procedure for judgment or decree, in any Court of Justice, and to apply the same, or the proceeds of sale thereof, or so much thereof as may be required, to liquidate any penalties, forfeitures, damages or losses which may arise or exist against the said Farmers at the end of their several terms, before surrendering to them their securities, or making over to them the monies and valuable securities so deposited: Provided that no such penalties, forfeitures, damages or losses shall be chargeable against any Farmer under this Act till the same shall have been sanctioned, in writing, by the chief Civil Authority in the said Settlement. Such contract and mortgage may be in the form of Schedule A to this Act annexed, or to the like effect.

Government may dispose of securities, &c., summarily, and apply same to defalcations, &c.

Proviso.

Form of contract and of mortgage.

Farm of Opium.

Import of Opium.

6. *Clause* 1.—Every person importing into any of the said Stations any Opium, shall, before landing such Opium or any part thereof, deliver, or cause to be delivered, to the Registrar of Imports and Exports of the Station, a Bill, in form of Schedule B to this Act annexed, or to the like effect, specifying the quantity and description of Opium, the name of the ship, the time of landing, and the place where the said Opium is intended to be stored: whereupon the Registrar of Imports and Exports, or his Deputy, shall furnish a permit, without fee, in form of Schedule C to this Act annexed, or to the like effect, authorizing the Opium to be landed and stored, in terms of the Bill of Specifications; and no Opium so stored shall be removed without a per-

Bill of Specifications.

Permit by Registrar of Imports and Exports to land Opium.

mit from the Registrar of Imports and Exports, who shall grant such permit on the application, in writing, in form of Schedule D to this Act annexed, or to the like effect, of the owner, or his Agent, desiring to remove the same, and stating the place to which it is to be transferred: and before exporting any Opium from any of the said Stations, the intending exporter shall furnish to the Registrar of Imports and Exports of the Station, a Bill, in form of Schedule E to this Act annexed, or to the like effect, specifying the quantity and description of Opium to be exported, and the name of the ship, and the place to which the same is to be exported, whereupon the Registrar of Imports and Exports, or his Deputy, shall furnish, without fee, to the intending exporter, a permit, in form of Schedule F to this Act annexed, or to the like effect, authorizing the said Opium to be exported.

Permit to remove.

Export of Opium.

Permit to export.

Clause 2.—And it shall not be lawful for any person to import, or bring, into any of the said Stations, or to export, or take out, from any of the said Stations, any Opium, except to or from the principal Ports of the said Station, and within the limits of the said several Ports, as laid down under Act No. XXII of 1855 *(for the regulation of Ports and Port Dues)*, or any other Act, to the like effect, to be hereafter passed.

Confined to principal Ports.

Clause 3.—Any Opium in smaller quantities than one chest, imported into any of the said Stations, shall be lodged in the Office of the Registrar of Imports and Exports, subject to the rules laid down in Section 11 of this Act, and shall not be taken therefrom, except for exportation, or sale to the Opium Farmer of the Station, as is hereinafter provided.

Opium less than one chest.

Clause 4.—Any person offending against any of the provisions of this Section, shall be liable, on conviction, to a penalty not exceeding Five Hundred Dollars; and any Opium so imported, or exported, or stored, or moved, or attempted to be imported, or exported, or stored, or moved, contrary to the provisions of this Section, with the packages and vessels in which it is contained, shall be seized and forfeited.

Penalty.

Forfeiture.

7. The Opium Farmer shall be entitled to inspect, and take extracts from, the Registry of Imports and Exports, and the production of a copy of any extracts from the said Registry, certified under the hand and seal of the Registrar of Imports and Exports of the Station, or his Deputy, shall, on the trial of any person charged with an offence under this Act, in any Court of Justice within the said Settlement, be proof of the facts set out in the said extracts, till the contrary be shown, by, or for, the person so charged, and the omission of entries in the said book shall be proof, till the contrary is shown, in like manner, that application has not been made for the permit required.

Inspection of Register.

Certified extracts of Register. evidence.

Omission of entries.

8. Any Justice of the Peace at any of the said Stations, on information, on oath, lodged before him, by the Opium Farmer of the Station or his Agent, that there is reason to believe that any Opium has been imported into the said Settlement, contrary to the provisions of this Act, or that any Opium imported into, and stored in the Station, has been removed without a permit, as hereinbefore required, from the place in which such Opium was stored, may issue his warrant, in the form of Schedule G to this Act annexed, or to the like effect, to enter and search any place, and if any Opium is found to have been so imported, or to be missing from the place in which it was permitted to be stored, the person in whose possession such Opium may be found, or in whose name such Opium shall have been so stored, shall be liable, on conviction, to a penalty not exceeding Five Hundred Dollars for every chest of Opium which shall be found to have been so imported, or so removed, contrary to the provisions of this Act.

Search warrant for Opium.

Information.

Penalty.

9. Every person, other than the Opium Farmer of the Station, who shall make or prepare Chandoo or Opium Dross, within the local limits of the jurisdiction of the Court of Judicature of the said Settlement, or who shall import thereinto any Chandoo, or Opium Dross, except as is hereinafter provided by Section 11 of this Act, or who shall therein sell, or offer for sale, or permit to be sold, or offered for sale, or who shall purchase, or who shall knowingly have in, or receive into, his possession or control, any Chandoo or Opium Dross, or Opium in less quantities than one chest, not purchased from the Opium Farmer of the then current year, or a licensed Opium Shop-keeper of the Station, of the then current year, the onus of proof of which purchase shall rest with the person in whose possession or control the said Chandoo or Opium Dross or Opium may be found, shall be liable, on conviction, for the first offence, to a penalty not exceeding One Hundred Dollars; for the second offence, a penalty not exceeding Two Hundred Dollars; and for every subsequent offence, a penalty not exceeding Four Hundred Dollars; and all such contraband Chandoo or Opium Dross, and the vessels containing the same, shall be forfeited, and all utensils and vessels which have been used, or which are plainly intended to be used, in preparing Chandoo and Opium Dross, shall be seized and forfeited.

Making Chandoo.

Importing Chandoo.

Selling Chandoo.

Having in possession Chandoo.

Proof.

Penalty.

Forfeiture.

10. Every person, other than the Opium Farmer of the Station, who shall sell, or offer for sale, and every person who shall buy from any person other than the Opium Farmer of the then current year, or who shall knowingly receive, or have in his possession, contrary to the provisions of this Act, any quantity of raw Opium less than one chest, shall be liable, on conviction, for the first offence, to a penalty not exceeding One Hundred Dollars; for the

Raw Opium, selling or buying.

Having in possession.

Penalty.

second offence, a penalty not exceeding Two Hundred Dollars; and for every subsequent offence, a penalty not exceeding Four Hundred Dollars; and all such Opium with the packages or vessels in which the same is contained, shall be seized and forfeited: Provided that nothing herein contained shall be held to prevent the sale of raw Opium, for exportation, under the provisions of Section 12 of this Act.

Forfeiture.

Proviso.

11. Every person arriving in any ship at any of the said Stations, who may have on board any Chandoo, or any Opium Dross, or any raw Opium, in less quantity than one chest, shall, within twenty-four hours after such vessel shall have come to anchor, give notice in writing thereof to the Registrar of Imports or Exports in the form of Schedule B to this Act annexed, or to the like effect, and shall apply to the said Registrar for a permit to land the said Opium, or Chandoo, or Opium Dross; and the said Registrar, or his Deputy, shall forthwith issue a permit, without fee, in form of Schedule C to this Act annexed, or to the like effect; whereon the person receiving the permit shall forthwith, and before landing any of the said Opium, Chandoo, or Opium Dross, furnish a copy of the said permit to the Opium Farmer of the Station; when the said Opium, Chandoo, and Opium Dross shall be forthwith landed and deposited in the Office of the said Registrar, where it shall remain until exported or sold to the Opium Farmer: and when it is desired to export the same, the Owner or his Agent shall apply, in writing, in form of Schedule E to this Act annexed, or to the like effect, to the said Registrar for a permit to export; when the said Registrar, or his Deputy, shall issue his permit, without fee, in the form of Schedule F to this Act annexed, or to the like effect, authorizing the export; and the person receiving the said permit shall forthwith, and before the removal of any of the said Opium, Chandoo or Opium Dross, furnish a copy of the said permit to the Opium Farmer of the Station, and shall at once thereafter proceed to remove the said Opium, Chandoo or Opium Dross from the said Office to the ship in which it is to be exported: Provided always, that no such permit for exportation shall be granted, till the person applying for the same shall have produced the Port Clearance for the ship in which it is intended to export the said Opium, Chandoo or Opium Dross: and provided further, that the permits for landing and for exporting such Opium, Chandoo and Opium Dross shall specify the name of the ship, the name of the Owner of the Opium, Chandoo and Opium Dross, the quantity and description of the same, and the vessels or utensils containing the same, and the time of intended landing, or removal from the said Office; and any person committing a breach of any of the provisions of this Section, shall, on conviction thereof, be liable to a penalty not exceeding Two Hundred Dollars, and the Opium, Chandoo or Opium Dross shall be seized and forfeited.

Raw Opium or Chandoo arriving.

Notice to land.

Permit to land.

Notice to Farmer.

Deposit.

Notice to export.

Permit to export.

Notice to Farmer.

Proviso.

Port Clearance.

Specifications in permits.

Penalty.

Forfeiture.

12. Every person, who shall be desirous of exporting, or of selling for exportation, raw Opium, in any quantity less than one chest, shall deposit a chest containing the customary quantity, in the Office of the Registrar of Imports and Exports; and whenever such person shall apply for any portion of such Opium to be delivered to him, or to any purchaser thereof, for exportation, he shall deliver to the Registrar of Imports and Exports, or his Deputy, a written Bill of Particulars, in form of Schedule E to this Act annexed, or to the like effect, expressing the quantity of Opium that is to be exported, and the name of the person who is about to export the same, and of the ship, and of the master, and of the place to which the same is to be exported, and the time of removal, and having also, in case the Opium mentioned therein is to be sold for exportation, the name of the purchaser written thereon; and the said Registrar, or his Deputy, shall thereupon cause the quantity of Opium specified in the Bill of Particulars, to be taken out of such chest, and delivered to the person, who is to export the same, and shall deliver to such person, without fee, a permit in form of Schedule F to this Act annexed, or to the like effect: and the said Opium shall be exported, in terms of the said permit, and such chest shall remain in the custody of the said Registrar, or his Deputy, until all the Opium contained therein shall have been exported, or sold, when the chest shall be destroyed: Provided that no such Opium shall be removed from the said Office till the person desirous of exporting the same, shall have furnished to the Opium Farmer of the Station, a copy of the said permit, and till after the Port Clearance for the ship, in which the same is intended to be exported, shall have been produced to the said Registrar, or his Deputy; and every person who shall commit a breach of any of the provisions, contained in this Section, shall be liable, on conviction, to a penalty not exceeding One Hundred Dollars.

Export of Opium less than one chest.

One chest to be deposited.

Bill of Particulars.

Delivery by Registrar.

Permit to export.

Chest emptied.

Proviso.

Notice to Farmer.

Port Clearance.

Penalty.

13. Every person who shall receive any such permit as aforesaid, for the exportation of any quantity of Opium less than one chest, and who shall not, upon receiving the same, within the time named therein, cause such Opium to be conveyed to and placed on board of the vessel mentioned in such permit, shall be liable, on conviction, to a penalty not exceeding Two Hundred Dollars, and the Opium, and the vessels and conveyances in which it is contained, shall be seized and forfeited.

Not exporting.

Penalty.

Forfeiture

14. The foregoing provisions of this Act shall not apply to the sale of Opium for medicinal purposes by recognized Medical Practitioners, Chemists and Druggists.

Exemption.

Farm of Spirituous Liquors.

15. *Clause* 1.—Every person importing into any of the said Stations any Spirituous Liquors, shall, before landing the same, or any part thereof, deliver, or cause to be delivered, to the Registrar of Imports and Exports of the Station, or his Deputy, a Bill, in form of Schedule B to this Act annexed, or to the like effect, specifying the quantity and description of such Spirituous Liquors, the name of the ship, and the place where the same is intended to be stored, and the time when it is intended to be landed; whereupon the Registrar of Imports and Exports, or his Deputy, shall furnish, without fee, a permit, in the form of Schedule C annexed to this Act, or to the like effect, authorizing the Spirituous Liquors to be landed and stored, in terms of the Bill of Specifications; which permit shall include all the particulars required in the Bill of Specifications: Provided always, that if the said Spirituous Liquors, or any portion thereof, are intended for use, or consumption, in the premises of the importer, where they may be stored on importation, he shall, before receiving the permit, make a declaration in the form of Schedule I to this Act annexed, or to the like effect, signed by him, to that effect, and shall pay to the Spirit Farmer for the quantity so intended to be used, or consumed, the duty leviable under this Act.

Import of Spirits.

Bill of Specifications.

Permit to land.

Proviso.

Use on premises.

Payment of duty.

Clause 2.—When the permit for landing is received by the importer, he shall forthwith, and before landing, or removing, the Spirituous Liquors, or any portion thereof, furnish to the Spirit Farmer of the Station a copy of the said permit, and the Spirituous Liquors shall be landed and stored, in terms of the landing permit: any person offending against any of the provisions of this Section, shall be liable, on conviction, to a penalty not exceeding Five Hundred Dollars, and the Spirituous Liquors shall be seized and forfeited.

Landing Spirits.

Notice to Farmer.

Penalty.

16. Whenever any ship shall arrive at any of the said Stations, having on board Spirituous Liquors not entered on the ship's manifest, and not forming part of the ship's stores, or provisions placed on board by the owner, charterer, or other person, for the use of the officers, passengers and crew of such ship; the master, supercargo, or other person having charge or control over such Spirituous Liquors shall, within twenty-four hours after the arrival of any such ship, cause the said Spirituous Liquors to be landed and stored in the Office of the Registrar of Imports and Exports, in the manner provided by Section 15 of this Act, for the landing of Spirituous Liquors, and such Spirituous Liquors shall remain in the said Office till the departure of the said ship, when they shall be exported in manner provided by Section 18 of this Act: Provided, however, that such Spirituous Liquors, or any portion thereof, may be sold, or removed from the said Office, subject to the provisions of this Act for the removal, sale and export of Spirituous Liquors, and for the payment of duty thereon; any person convicted of an offence, contrary to the provisions of this Section, shall be liable to a penalty not exceeding Two Hundred Dollars, and such Spirituous Liquors shall be seized and forfeited.

Spirits on board ships.

To be landed.

Exporting.

Proviso for sale.

Penalty.

Forfeiture.

17. Every Importer desirous of removing any Spirituous Liquors, from the place where they shall have been stored, on importation, shall apply in writing, in form of Schedule K to this Act annexed, or to the like effect, to the Spirit Farmer of the Station, stating the quantity and description of the Spirituous Liquors, the time of removal, the place to which they are to be removed, and the person or persons into whose premises they are to pass, and except when the Spirituous Liquors are to be removed for exportation, as is next hereinafter provided, shall pay, or cause to be paid, to the said Spirit Farmer, the sum of fifty cents of a Dollar for every gallon of such Spirituous Liquors, and if in bottles, the sum of fifty cents of a Dollar for every four quart bottles, or eight pint bottles, and a proportionate sum for any lesser quantity; whereupon the said Spirit Farmer, if the application is made between the hours of six in the morning and six in the evening, shall deliver to such person, without fee, a written permit to remove the same, in the form of Schedule L to this Act annexed, or to the like effect.

Removal of Spirits from place of Import storing.

Application to Farmer.

Payment of duty.

Permit for removal.

18. Whenever it is intended to export any Spirituous Liquors from any of the said Stations, the intending exporter shall furnish to the Registrar of Imports and Exports of the Station, or his Deputy, a Bill, in the form of Schedule E to this Act annexed, or to the like effect, specifying the quantity and description of the Spirituous Liquors, the owner's name, the name of the ship and of the place to which they are to be exported, and the time of removal; whereupon the Registrar of Imports and Exports, or his Deputy, shall furnish a permit, without fee in the form of Schedule F to this Act annexed, or to the like effect, containing the particulars above required, authorizing the said Spirituous Liquors to be exported by the said applicant; who shall forthwith, and before removing the said Spirituous Liquors, supply to the Spirit Farmer of the Station, a copy of the said permit.

Export of Spirits.

Bill of Specifications.

Permit to export.

Notice to Farmer

Provided always, that if the quantity of Spirituous Liquors to be exported do not exceed three dozen quart bottles, or six dozen pint bottles, it shall not be necessary to apply to the Registrar of Imports and Exports for his permit; but application, as hereinbefore provided, shall be made to the Spirit Farmer, who, in such case, shall grant his permit, in the form above described, without payment of duty, for the removal of the

Farmer's Permit for three dozen.

said Spirituous Liquors to the ship in which they are to be exported. Provided further, that the Spirit Farmer shall not be required to grant such permit for exportation till the Port Clearance of the ship in which the Spirituous Liquors are to be exported, shall be produced to him; and provided further, that in the event of any person being desirous of exporting Spirituous Liquors on which the Farmer's duty has already been paid, on proof of such payment, by the person applying, the Spirit Farmer shall refund to the exporter the amount of duty which may have been paid on the quantity of Spirituous Liquors so to be exported, and shall issue his permit for the exportation thereof; and any person, to whom such refund shall have been made, neglecting or omitting to cause the said Spirituous Liquors to be exported, in terms of the said permit, shall be liable, on conviction, to a penalty not exceeding Five Hundred Dollars, and the said Spirituous Liquors shall be seized and forfeited.

Proviso. Port Clearance. Proviso. Duty already paid. Proof Refund. Not exporting. Penalty. Forfeiture.

19. Every person, except as hereinbefore provided in Section 17 of this Act, desirous of removing Spirituous Liquor from one place to another, or from the possession of one person to that of another person, shall apply in writing, in the form of Schedule M to this Act annexed, or to the like effect, to the Spirit Farmer of the Station, stating the quantity and description of Spirituous Liquors, the place to and from which they are to be removed, and the person from and to whose possession they are to be removed, and the time of removal; whereupon the said Spirit Farmer shall grant his permit, in the form of Schedule N to this Act annexed, or to the like effect, without payment of any fee, for the removal: Provided the duty leviable on the said Spirituous Liquors shall have been already paid to the Spirit Farmer of the then current year; the onus of proof of which payment shall rest with the person applying for the permit.

Subsequent removal of Spirits. Application to Farmer. Farmer's permit. Proviso for duty. Proof of payment.

20. Any person convicted of having landed or exported, or removed, any Spirituous Liquor, contrary to the provisions of this Act, shall be liable, on conviction, to a penalty of One Hundred Dollars for the first offence; to Two Hundred Dollars for the second offence; and Four Hundred Dollars for the third and every subsequent offence; and the Spirituous Liquors and the vessels in which they are contained, shall be seized and forfeited.

Illicit landing, or exporting, or removing Spirits. Penalty. Forfeiture.

21 If the Spirit Farmer shall refuse, on application, as hereinbefore provided, to grant his permit for the exportation, or removal, of any Spirituous Liquors, the person requiring such permit, may apply, in writing, to any Justice of the Peace, furnishing him with a copy of the application made to the Spirit Farmer, and such Justice of the Peace, on security being given to his satisfaction for the amount of duty leviable under the provisions of this Act, on the quantity of Spirituous Liquors intended to be removed, shall issue his order, in the form of Schedule O to this Act annexed, or to the like effect, under his hand and seal, authorizing the removal of the Spirituous Liquors, and for which order a fee of One Dollar shall be paid by the applicant, and if the said Farmer shall thereafter be convicted of an offence under the next succeeding Section of this Act, such fee shall be refunded by the said Farmer.

Farmer refusing permit. Application to Justice of the Peace. Security for duty. Order of Justice of the Peace. Fee for order.

22. The Spirit Farmers at each of the said Stations shall grant their receipt, in the form of Schedule P to this Act annexed, or to the like effect, for every sum of money received by them as duty, under the provisions of this Act, and any Spirit Farmer refusing, without good cause shown, to grant his permit for the exportation, or removal of Spirituous Liquors, under the provisions of this Act, or refusing to grant his receipt, as above required, shall be liable, on conviction, to a penalty not exceeding One Hundred Dollars.

Receipts by Farmers. Refusing permit. Penalty

23. Any Justice of the Peace at any of the said Stations, on information lodged before him, on oath, by the Spirit Farmer of the Station, or his Agent, that he has reason to believe that Spirituous Liquors imported into the Station, have been removed from the place where the same may have been stored on importation, under the provisions of this Act, without payment of duty to the said Spirit Farmer, may issue his warrant, in the form of Schedule G to this Act annexed, or to the like effect, authorizing the said Spirit Farmer, or his Agent, to enter the place in which such Spirituous Liquors are, or shall have been, stored, and examine the same, and, if it appear that there is any deficiency in the quantity which ought, according to the landing permit of the Registrar of Imports and Exports, and the permits granted for the exportation and for the removal of Spirituous Liquors, to be found stored in such place, the person or persons in whose name the landing permit was issued by the Registrar of Imports and Exports, or his Deputy, may be summoned before any Justice of the Peace of the said Station, and, on proof to his satisfaction that there is a deficiency in the quantity of Spirituous Liquors, such person shall be liable to a penalty not exceeding Five Hundred Dollars, and shall pay to the said Spirit Farmer the duty leviable under the provisions of this Act,

Search Warrant. Information on oath. Warrant. To examine Stores. Deficiency. Summons. Penalty. Duty.

on the deficiency: Provided always that such person shall not be held liable for any deficiency arising from leakage or breakage: and provided further, that the Spirit Farmer, or his Agent, in serving such warrant, shall be accompanied by a Police Officer of the rank of Inspector, at least.

Proviso. For leakage, &c. Proviso. Service of warrant.

24. From the passing of this Act, whoever being a manufacturer of sugar, or whoever being in charge of a place for the manufacture of sugar in the said Settlement, shall be desirous of having a Distillery at his sugar manufactory, for making, or distilling, or rectifying, or compounding Spirituous Liquors, shall apply in writing to the Commissioner of Police of the Station within which such sugar manufactory is situated, for a License; and in such application shall be inserted the name of the applicant, the situation of his manufactory, and the number and size of the stills he is desirous of keeping; and the Commissioner of Police shall grant such License, renewable every year, under his hand and seal, to the applicant, on payment of a fee of Ten Dollars: and such License shall be registered in the Police Office of such Station or place.

Sugar Distilleries. License. Fee. Registry.

25. No licensed Distiller shall be at liberty to sell to any person other than the Spirit Farmer of the Station, or to sell, send out of, or deliver from, his Distillery, for exportation, any Spirituous Liquors in a less quantity than one hundred and sixty imperial gallons, or, if in bottles, in a less quantity than fifty dozen of quart bottles, or one hundred dozen of pint bottles; and every licensed Distiller who shall sell, send out, or deliver, or permit to be sold, sent out, or delivered from his Distillery, any Spirituous Liquors (except as aforesaid) shall, on conviction, for every such offence, be liable to a penalty not exceeding One Hundred Dollars: and such Spirituous Liquors and the vessels in which the same are contained, shall be seized and forfeited.

Distiller, selling, &c. Selling, &c., for exportation. 160 gallons. Penalty. Forfeiture.

26. Every person, other than the Spirit Farmer, or a licensed Distiller, who shall make, or distil, or rectify, or compound, any Spirituous Liquors, or shall knowingly keep, or have in his possession, any still, or other utensil or apparatus, or part of such still, utensil or apparatus, for distilling or making, or rectifying, or compounding Spirituous Liquors, shall, on conviction, for every such offence, be liable to a penalty not exceeding One Hundred Dollars: and all such Spirituous Liquors, and every such still, or other utensil or apparatus, or portion of such still, utensil or apperatus, shall be seized and forfeited, but nothing contained in this or any other Section of this Act shall be construed to extend to distillations for medicinal or scientific purposes.

Illicit distillation. Having still in possession. Distilling. Penalty. Forfeiture. Exemption.

27. Every person, other than the Spirit Farmer, or persons duly licensed under the provisions of this Act, for the sale of Spirituous Liquors, who, within the said Settlement, shall sell or purchase, except for exportation, any Spirituous Liquors, on which the duty leviable under this Act shall not have been paid to the Spirit Farmer, and every person as aforesaid, who shall knowingly have in his possession, custody or control, any Spirituous Liquors, sold or purchased, without such payment of duty, shall be liable, on conviction, to a penalty not exceeding One Hundred Dollars for the first offence; and Two Hundred Dollars for the second offence; and Four Hundred Dollars for the third and every subsequent offence, and the Spirituous Liquors with the vessels in which they are contained shall be forfeited: Provided that it shall be incumbent on the person in whose possession any Spirituous Liquor shall be found, to show that the duty leviable under this Act has been paid to the Spirit Farmer.

Dealing in Spirits illicitly. Having in possession. Penalty. Forfeiture. Proviso onus of proof

28. All Spirituous Liquors, imported, landed, removed in, or exported from any part of the said Settlements, on account of Her Majesty's Government, are exempt from the operation of this Act.

Exemption for Government.

Farm of Toddy and Bhang.

29. Every owner, renter or occupier of lands within the said Settlement, producing Toddy and Bhang, shall cause the said lands to be registered at the Office of the Collector of Land Revenue of the Station, and shall furnish to the said Collector a statement, in writing, describing the locality of the said lands, and containing full particulars as to the number of trees used for producing Toddy, and the extent of ground cultivated with Bhang, and from time to time as alterations take place in the numbers of such trees, and in the extent of ground so cultivated with Bhang, shall report such alteration to the said Collector, who shall cause the said particulars to be entered in a Book, to be kept for that purpose in his Office, which Book shall, at all reasonable times, be open to the Toddy Farmer, or his Agent, without fee in that behalf: and any person convicted of an offence against the provisions of this Section, shall be liable to a penalty of One Hundred Dollars: Provided further, that, on the trial of any person charged under this Section, the production of an extract from the said Book of Registry, signed by the said Collector of Land Revenue, or his Deputy, shall be proof of the facts stated in the said extract till the contrary be shown by the person charged, and the omission of full and correct entries relating to the lands as to which the charge is made shall be proof against the owner, renter or occupier, that such lands have not been so registered.

Registry of Toddy and Bhang lands. Particulars. Registry Book. Inspection of Book. Penalty. Proviso for proof.

30. Any Justice of the Peace on the information on oath of the Toddy Farmer of the Station, or his Agent, that there is good reason to believe that Toddy or Bhang is produced on lands in the said Settlement, not duly registered under Section 29 of this Act, may issue his warrant, in the form of Schedule G to this Act annexed, or to the like effect, authorizing the Toddy Farmer, or his Agent, accompanied in either case by a Police Officer, to enter in and examine such lands, and the Toddy Farmer may apply to any Justice of the Peace for a summons against the owner, occupier or other person in charge of such lands, if not registered, or the person in whose name such lands are registered, to appear at the Police Court at the Station, to answer any charge under Section 29 of this Act, and any person so summoned to appear, on being convicted of an offence against Section 29 of this Act, shall be liable to punishment, as is provided by the said Section: Provided that such Justice of the Peace may issue his warrant, either before or after the issue of such summons, to compel the appearance of any person charged on the information on oath of such Toddy Farmer, or his Agent, with having committed an offence against Section 29 of this Act.

Search Warrant. To examine lands. Summons. Penalty. Proviso.

31. No person, other than the Toddy Farmer of the Station, shall import or export any Toddy or Bhang into or from the said Station, except in the case of imports for sale to the Toddy Farmer of the Station: and any Toddy or Bhang imported into any of the Stations, shall be at once taken to the principal shop of the Toddy Farmer at the Station, and there sold or delivered to such Toddy Farmer at such price as may be fixed from time to time by the Local Government: Provided always, that if the Toddy Farmer shall refuse to purchase any Toddy or Bhang so imported, the importer shall forthwith export the same: Any person committing a breach of the provisions of this Section, shall be liable, on conviction, to a penalty not exceeding one Hundred Dollars, and the Toddy or Bhang found with such person shall be seized and forfeited.

Import of Toddy and Bhang. Price. Proviso. Export again. Penalty. Forfeiture.

32. Every person, within the said Settlement, who shall sell, or offer for sale, except to the Toddy Farmer of the Station, and every person as aforesaid, who shall purchase from any person other than the Toddy Farmer of the Station, of the then current year, or from a licensed Toddy Shop-keeper of the then current year, or who shall knowingly have in his possession any Toddy or Bhang, not purchased by him from such Toddy Farmer, or Registered Toddy Shop-keeper, the burthen of proof of which purchase shall rest on the person charged, shall be liable, on conviction, to a penalty not exceeding one Hundred Dollars, and all such Toddy or Bhang shall be seized and forfeited.

Dealing in Toddy or Bhang. Having in possession. Burthen of proof. Penalty. Forfeiture.

Places of Public Entertainment where Spirituous Liquors are sold, to be used on the Premises.

33. All Hotels, Inns, Taverns, Eating-Houses, Punch-Houses, and other houses of Public Entertainment in any of the Stations of the said Settlement, in which it is desired to sell Spirituous Liquors, and which are already licensed under any Act of the Legislative Council of India for regulating such places, shall be registered, in a Book to be kept for that purpose, by the Commissioner of Police of the Station, yearly, in the last ten days of the month of April, or at such other time as may be directed by the Local Government: And such Commissioner of Police shall grant a license, in the form of Schedule H to this Act annexed, or to the like effect, to the person desirous of opening or keeping such place of Public Entertainment, authorizing such person to sell, by retail, Spirituous Liquors, under the provisions of this Act, so that the same be used or consumed in the licensed houses in which they may be purchased; and the said licensed houses may be classed by the Commissioner of Police, with the sanction of the Local Government, in three classes, according to the importance of the establishment, and the quantity of Spirituous Liquors likely to be consumed therein, and for such Licenses, a fee shall be paid, yearly, as follows: that is to say,—

Hotels, &c. to be registered. License to sell for consumption on premises. Three classes. Fees.

For a 1st Class House	...	...	Dollars 100
„ 2nd „	...	...	„ 75
„ 3rd „	...	...	„ 50

and any person, after the 30th day of April in each year or such other time as may be fixed, by the Local Government, for the determination of the Spirit Farmer's privileges, selling Spirituous Liquors in such houses, without having first obtained a License for the year, as required by this section; and any person selling or buying Spirituous Liquors in such houses, and taking the same away from such houses, or allowing the same to be so taken away, shall be liable, on conviction, to a penalty not exceeding Fifty Dollars, and the said Spirituous Liquors shall be seized and forfeited.

Penalty. Forfeiture.

Licensed Shops for sale of Exciseable Articles.

34. All houses, or shops for the retail sale of Opium, Chandoo, Spirituous Liquors, Toddy and Bhang, shall be registered in a Book, to be kept for that purpose by the Commissioner of Police at each of the said Stations, who shall, subject to the sanction of the Local Government, grant to the applicant a license, under his hand and seal in

Licensed shops to be registered. Licenses.

form of Schedule Q to this Act annexed, or to the like effect, for each shop so to be used, in such numbers and in such situations, as he shall, with the sanction of the Local Government, determine: and before granting any such license, the Commissioner of Police, or his Deputy, shall cause to be read over and explained to the applicant the Rules and Regulations next hereinafter provided for, and the said applicant shall sign his name or make his mark in the presence of the said Commissioner, or his Deputy, in the Book in which the said Rules and Regulations are inscribed, in acknowledgment that the said Rules and Regulations have been read over and explained to him: and a printed copy of such Rules and Regulations shall be posted in a conspicuous place in every such licensed shop: and any person opening or keeping a house or shop, for such purpose without such license, or committing a breach of such Rules and Regulations, shall be liable, on conviction, to a penalty not exceeding One Hundred Dollars.

Numbers and situations.

Acknowledgment of Keeper.

In Book of Rules.

Copy of Rules.

Penalty.

35. The Commissioner of Police, at each of the said Stations, shall, from time to time, with the sanction of the Local Government, draw up and publish Rules for the better management of such houses or shops, and maintaining order therein, the times for opening and shutting the shops, and the signboards or other distinctive marks to be affixed to such houses or shops; and it shall be lawful, at all times, for the Commissioners of Police, their Deputies, and all superior Officers of Police, to be named by the Commissioner in the Rules to be published by them, to enter, without warrant, any of the said licensed houses or shops, purporting to be so licensed, and to arrest and take into custody, without warrant, any persons found in such houses armed, or making a disturbance, or gambling, or committing any breach of the peace: and any person so found armed, or making a disturbance, or gambling, or committing a breach of the peace, shall, on conviction, be liable to a penalty not exceeding Fifty Dollars. A fee of Ten Dollars shall be charged for every such license, to be paid by the person applying therefor, together with such reasonable sum as may be sufficient to cover the cost of the signboard, or other distinctive mark to be supplied to the said shop-keepers by the Commissioner of Police as aforesaid; such charge to be fixed by the Commissioners of Police, with the sanction of the Local Government.

Rules to be framed.

Particulars.

Police visits.

Arrest of

Armed persons, Disturbers, Gamblers, Breakers of the Peace.

Penalty.

Fee for License.

Cost of signboards.

36. The Commissioner of Police at each of the said Stations, with the sanction of the Local Government, may cancel the license of any person licensed to keep a shop, under the provisions of this Act.

Cancelment of license.

37. Any keeper of a licensed shop under this Act, knowingly permitting gambling to be carried on in his shop, or knowingly permitting armed persons to be in his shop, shall be liable, on conviction, to a penalty not exceeding One Hundred Dollars.

Gambling.

Armed persons.

Penalty.

38. Every keeper of an Opium Shop, Spirit Shop, or Toddy Shop, licensed under Section 34 of this Act, who shall sell, or knowingly have in his possession, any Opium, Chandoo, Spirituous Liquors, Toddy or Bhang, which shall not have been purchased from the respective Farmers of the Station, proof of which purchase shall rest with the person charged, shall be liable, on conviction, to a penalty not exceeding One Hundred Dollars, and the Opium, Chandoo, Spirituous Liquors, Toddy or Bhang, shall be forfeited.

Exciseable articles not purchased from Farmers.

Proof.

Penalty.

Forfeiture.

39. Every Farmer, under this Act, and every keeper of any house or shop, registered under this Act, who shall sell, or exchange Opium, or Chandoo, or Opium Dross, Spirituous Liquors, Toddy or Bhang, otherwise than for the coin usually current within the said Settlement, shall forfeit a penalty not exceeding Twenty-five Dollars.

Selling, except for coin.

Penalty.

40. Every person within the said Settlement, who shall deliver to any servant or labourer, any Opium, Chandoo, Opium Dross, Spirituous Liquors, Toddy or Bhang, in consideration of wages or hire due to such servant or labourer, shall forfeit a penalty not exceeding Fifty Dollars.

Exchange for servants' wages.

Penalty.

41. Any Farmer, or person licensed under this Act, who shall knowingly sell, or deliver to any European or Native Soldier, any Opium, Chandoo, or Opium Dross, Spirituous Liquors, or Toddy or Bhang, without having an authority in writing from the Commanding Officer of such Soldier, shall be liable, on conviction, to a penalty not exceeding Fifty Dollars.

Sale to Soldiers.

Penalty.

42. Any person in the said Settlement selling, or offering for sale, Spirituous Liquors, or Toddy, adulterated or compounded in such a manner as to be injurious to health, shall be liable to a penalty not exceeding One Hundred Dollars, and all such injurious articles shall be destroyed.

Adulterated Spirits or Toddy.

Penalty.

Destruction of articles.

43. Any Farmer under this Act who shall, either by himself or by the means of any other person, take from any person who may have committed, or be suspected of having committed a breach of any of the provisions of this Act, any sum of money, or any goods or chattels,

Compounding for offences.

or other consideration whatsoever, as a compromise, reward or payment, for not prosecuting such person for such offence, shall be liable, on conviction, to a penalty not exceeding Two Hundred Dollars.

Penalty.

44. No Farmer, or Keeper of a licensed shop for the sale of exciseable articles under this Act, shall sell any exciseable articles near the end of the term of the exclusive privilege of the Farmer, or at any time during such exclusive privilege, so as in either case to authorise the use, by the purchaser, of such exciseable articles at any time after twelve o'clock at noon of the second day of May of each year, or thirty-six hours after such other time as may be fixed for the termination of the exclusive privilege of the Farmer: and any person found with any exciseable articles in his possession which have not been purchased from the Farmer of the term in which the time of seizure of such articles shall happen to be, except for thirty-six hours after expiry of such term as aforesaid, shall be liable to all penalties and forfeitures to which a person may be liable under this Act, if such articles had not been purchased from a Farmer or licensed shop-keeper.

Sale by outgoing Farmers near end of term.

Articles found sold contrary to this Section.

Penalties and feitures.

License and Permit Fees.

45. All fees received for registering licenses to keep Opium Shops, under this Act, shall be paid to the Opium Farmer for the time being; and all fees received for registering licenses to keep Spirit Shops and Distilleries and Houses of Entertainment, registered under this Act, for the sale of Spirituous Liquors, and for fees, and permits to remove Spirituous Liquors, under this Act, shall be paid to the Spirit Farmer for the time being; and all fees received for registering Licenses to keep Toddy Shops for the sale of Toddy and Bhang under this Act, shall be paid to the Toddy Farmer for the time being: and all fines and penalties whatsoever, received under this Act, shall, after the adjudication, at the discretion of the Justices of the Peace or Magistrates, of a portion of such fines and penalties to the informer, be paid into the Municipal Fund, established under Act No. XXVII of 1856 *(for appointing Municipal Commissioners, and for levying rates and taxes, in the several stations of the Settlement of Prince of Wales' Island, Singapore and Malacca)*, or that may be established by any future Act, of the Station at which such fines and penalties shall be imposed, to be applied to the general purposes of the said Act: and all articles subject to restriction, under this Act, seized and forfeited, when the same shall not be ordered to be destroyed as unwholesome, shall be given to the Farmer prosecuting the case.

Fees for Licenses to Farmers.

Fines and Penalties.

Informer's share. Municipal Fund.

Forfeitures for Farmers.

Revenue Officers.

46. The Commissioner of Police at each of the Stations in the said Settlement may grant his warrant, in form of Schedule R to this Act annexed, or to the like effect, to such Agents or servants of the several Farmers named in this Act, as may be approved of by the said Commissioner of Police, with the sanction of the Local Government, to act as Revenue Officers at the Station in which they be appointed: and no persons, except those so appointed, and except the members of the Police Force enrolled under the provisions of Act No. XIII of 1856 *(for regulating the Police of the towns of Calcutta, Madras and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore and Malacca)*, or any Act to be hereafter passed to the same effect, shall be competent to act as Revenue Officers under this Act: and such warrants may at all times be withdrawn by the Commissioner of Police, with the sanction of the Local Government, and any person, other than a Police Officer, assuming to act as a Revenue Officer, under this Act, and not holding such warrant, shall be liable, on conviction, to a penalty not exceeding Fifty Dollars. The names and places of residence of every Revenue Officer so appointed, shall be posted in a conspicuous place at the Police Courts of the Station.

Warrants to act.

To approved persons.

Acting without warrant.

Police Officers.

Withdrawing of warrant.

Penalty.

Names to be posted.

47. Every Revenue Officer appointed under this Act, shall be supplied, at the expense of the Farmer requiring his appointment, with a brass plate or staff, bearing such sign or mark of office, as may be directed by the Commissioner of Police, with the sanction of the Local Government: and before acting against any person, under the provisions of this Act, every such Revenue Officer, shall declare his office and produce to the person against whom he is about to act, his said sign or mark of office. Every Police Officer, acting under the provisions of this Act, if not in the uniform proper to his service, shall, in like manner, declare his office and produce to the person against whom he is about to act, such part of his public equipment as the Commissioner of Police shall have directed, or may direct, to be carried by Police Officers when employed in secret or special service: and any person who shall, after production of such sign or mark, or equipment of office, obstruct any such Police or Revenue Officer in the exercise of his duties under this Act, shall be liable, on conviction, to a penalty not exceeding Fifty Dollars.

Badges for Revenue Officers.

Rules for acting.

Revenue Officers.

Police Officers.

Obstructing Officers.

Penalty.

48. Any person, who, as aforesaid, shall assault or beat any such Police or Revenue Officer, while so, as aforesaid, in the execution of his duty, under the provisions of this Act, shall be liable, on conviction, to a penalty not exceeding One Hundred Dollars: and it shall be lawful for such Officers so resisted to oppose force to force and to execute their office or duty.

Assaulting Officers.

Penalty.

Opposing force to force.

49. Every Police or Revenue Officer, who shall extort, or attempt to extort, or take from any person, any money or valuable consideration as a bribe, under pretence of this Act: and every person who shall offer to any Police or Revenue Officer any such bribe, and every Police or Revenue Officer who shall, maliciously and without reasonable grounds, arrest or detain any person under the provisions of this Act, or who shall not, with the least practicable delay, take any person so arrested before some Justice of the Peace for examination, shall be liable, on conviction, to a penalty not exceeding Fifty Dollars.

Extortion.

Bribery.

Malicious charges.

Delay in going before Justice of the Peace.

Penalty.

Procedure.

50. Any Justice of the Peace within the said Settlement may, by his warrant, in the form of Schedule S to this Act annexed, or to the like effect, directed to any Police Officer within the said Settlement, or to any Revenue Officer or Officers, appointed in manner hereinbefore mentioned, empower him by day or by night (but if between the hours of six o'clock in the night and six in the following morning, then such warrant to be executed by, or in the presence of, a Peace Officer), to enter and search any dwelling-house, shop, or other building, or place, or any ship lying, or being within the local limits of the jurisdiction of the Court of Judicature in any case, in which there shall appear to such Justice of the Peace, upon the oath of any person, good and sufficient cause to believe that, in any such dwelling house, shop or other building, or other place, or on board any ship, lying or being within the local limits of the jurisdiction of the said Court, is concealed or deposited any article subject to forfeiture under this Act: and to take possession of any such article found to be concealed or deposited therein, and of all utensils used for preparing Chandoo, or plainly intended for such use, and all stills, or other apparatus used for distilling Spirituous Liquors, or portions of stills or apparatus plainly intended for such use, and to arrest and take any person or persons being in such dwelling-house, shop or building, or other place, or on board any ship, lying or being within the local limits aforesaid, in whose possession, custody or control, any such article may be found, or whom the said Officer or Officers may have good and sufficient reason to suspect have concealed or deposited therein any such article, and any Officer to whom such warrant shall be directed, may, in any case of resistance, break open any outer or inner doors of such dwelling-house, shop or other building, or other place, and enter thereinto, and forcibly enter any ship, lying or being within the local limits aforesaid, and remove by force any obstruction to such entry, search, seizure and removal as aforesaid: Provided always, that all informations to be laid, and all warrants to be issued, and all arrests and seizures to be made under this Act, may be had or done on a Sunday, as well as on any other day.

Search Warrants.

To Police Officer.

To Revenue Officer.

By day-light.

On land.

At sea.

Information.

Contraband articles.

Utensils.

Arrest on suspicion.

Break open doors.

Entry on ship.

Seizure.

51. If any person shall be found committing any act in breach of this Act, or if any Peace or Revenue Officer shall have probable cause to believe that any person has concealed upon his person any article subject to forfeiture under this Act, such Peace or Revenue Officer may immediately arrest such person, without a warrant, and shall thereupon immediately take such person before some neighbouring Justice of the Peace, who shall determine if there be reasonable grounds of suspicion, and such Justice of the Peace may direct such person to be immediately searched, and such Justice of the Peace, if he sees grounds for believing that an offence has been committed against the provisions of this Act, shall thereon admit the person so charged to bail, on his recognizance, in form of Schedule T to this Act annexed, or to the like effect, with such securities as to the said Justice of the Peace shall seem sufficient, to appear before him or some other Justices of the Peace or Magistrate of Police, at a Police Court at the Station, to answer the charge, and if the person so charged shall not give such security for his appearance, such Justice of the Peace shall issue his order in writing, in the form of Schedule V to this Act annexed, or to the like effect, directing the person so charged before him to be taken to the principal Police lock-up at the Station with any articles subject to forfeiture under this Act, found or said to have been found with such person, and there to be kept till bail be given to the satisfaction of the same, or any other Justice of the Peace, for the appearance of such person, to stand his trial for the offence charged at a Police Court in the Station, and in the default of such bail, to be kept in the said lock-up till the trial of the offence: Provided that no person so kept for want of bail shall be detained for any period exceeding two days: and if any person who shall have entered into recognizance to appear as above, shall not appear, as required, the Justices of the Peace or Magistrate, before whom he was to have appeared, shall, on application, certify such non-appearance on the back of such recognizance, whereupon the sum thereby acknowledged to be due, shall be recoverable in the manner provided by this Act, for levying penalties.

Offences on view.

Concealment on person.

Arrest.

Search by Justice of the Peace.

Bail.

Commitment in default of bail.

Detention.

Proviso, time of detention.

Default of appearance.

Summary procedure.

52. It shall be lawful for any Justices of the Peace or Magistrate, before whom a charge shall be laid against any person for a breach

Proceeding *ex parte*.

of any of the provisions of this Act, on being satisfied that a summons has been duly served on the person charged to appear to answer the charge, or in case the person charged shall have been admitted to bail, to appear, and in either case, such person shall not appear, according to the exigence of the summons or bail bond, and no sufficient cause shall be shown for such non-appearance, to proceed to the hearing of the charge, as if such person charged were present.

Remission of sentences.

53. It shall be lawful for the Local Government to direct the suspension and withdrawal of any charge or proceedings before any Justices of the Peace or Magistrate, under this Act, and to cancel and annul and reverse in whole or in part, any order, charge, conviction, or other proceeding under this Act, and to direct the refund of the whole or any part of any fine or penalty, and the restoration of the whole or any portion of any articles ordered to be forfeited to any person from whom the same may have been taken, and to remit the whole or any part of any sentence of imprisonment passed under this Act.

Convictions.

54. All penalties under this Act may be imposed on conviction of the offender, by confession of the offender, or by the oath of one or more witnesses, before two Justices of the Peace or a Magistrate of Police, at a Police Court in the Station: and in case of non-payment of any penalty imposed or forfeited under this Act, the convicting Justices or Magistrate may issue their Warrant of Distress, in the form of Schedule W to this Act annexed, or to the like effect, under their hands and seals, directed to any Peace Officer to levy the amount of such penalty, by seizure and sale of any goods of the offender which may be found within the jurisdiction of such Justices or Magistrate: and if no such property shall be found within such jurisdiction, then the aforesaid Justices or Magistrate, by warrant under their hands and seals, in the form of Schedule X to this Act annexed, or to the like effect, may commit the offender to prison, with or without hard labour, for any period not exceeding two calendar months, where a pecuniary penalty of Twenty-five Dollars shall be imposed, and in the same proportion for any greater penalty which shall be imposed: Provided always, that in case it shall appear to such Justices of the Peace or Magistrate, by the confession of the offender, or in any other manner, that he has no goods whereon to levy such distress, then and in every such case, it shall be lawful for such Justices of the Peace or Magistrate, if they shall deem it fit, instead of issuing such Warrant of Distress, by warrant under their hands and seals, in the form of Schedule Y to this Act annexed, or to the like effect, to commit the offender to prison, with or without hard labour, for any period not exceeding two calendar months, where a pecuniary penalty of Twenty-five Dollars shall be imposed, and in the same porportion for any greater penalty which shall be imposed: Provided always, that in no case shall the term of imprisonment exceed two years.

Warrant of Distress.

Commitment in default of distress

Form of warrant of commitment.

Periods of imprisonment.

Commitment without distress.

Warrant of commitment.

Commutation of penalties.

Form of conviction not to be quashed for formal defects, &c.

55. All convictions under this Act may be in the form of Schedule Z to this Act annexed, or to the like effect, and no conviction or order shall be quashed or set aside for want of form or otherwise, and no warrant of commitment shall be held void, by reason of any defect therein: Provided it be alleged therein that the party charged has been convicted of the offence and to the punishment set out in the warrant of commitment: Provided there be a conviction as aforesaid to that effect, and no conviction or order under this Act shall be removed by *certiorari*, or otherwise, into the Court of Judicature, except as next hereinafter mentioned.

Certiorari.

Appeal.

56. If any person shall feel himself aggrieved by any adjudication made by such Justices of the Peace or Magistrate of Police, such person shall, within one week from the day of the said adjudication, give notice, in the form of Schedule AA to this Act annexed, or to the like effect, to the Justices of the Peace or Magistrate, who shall have adjudicated, and to the opposite party of his intention to appeal, stating in such notice the grounds of appeal, whereupon the said Justices of the Peace or Magistrate shall cause a transcript of the proceedings, including the charge, the evidence, and the adjudication, conviction, or order, to be drawn up in the form of Schedule BB to this Act annexed, or to the like effect, and as soon as reasonably convenient to be transmitted, certified under their hands and seals, to the Court of Judicature at the Station: Provided always, that no such proceedings in appeal shall be allowed, till the person desiring to appeal, shall have lodged a sum sufficient to cover the costs of preparing the transcript, not exceeding the sum of six cents per folio of ninety words, contained in the said transcript, and shall have given security to the satisfaction of the said Justices of the Peace or Magistrate, in any sum not exceeding Two Hundred Dollars to answer for the costs of the said appeal, to be taxed by the proper Officer of the said Court of Judicature, and further security for the due payment of any penalty adjudicated or to be adjudicated in appeal against the person desiring to appeal: and provided further, that if any person desiring to appeal, shall have been sentenced to imprisonment, with or without hard labour, it shall be lawful for the said Justices of the Peace or Magistrate, to have brought before them in custody, such person, by their order, in form of Schedule CC to this Act annexed, or to the like effect, under their hands and seals addressed to the Sheriff of the said Settlement, or to the Keeper of the Jail or House of Correction, or other place in which such

Week's notice.

Grounds of Appeal.

Transcript to be sent to Court of Judicature.

Deposit for costs of transcript.

Security for costs.

Security for judgment.

Respite of sentence.

Order to bring up persons in prison.

person may be confined, who shall thereupon produce or cause to be brought before the said Justices of the Peace or Magistrate of Police, the person required by the said order to be produced before them, and they shall admit such person to bail, on good and sufficient security being given to their satisfaction, for the surrender of such person after the hearing of the appeal, to undergo his said sentence, or to pay his penalty and costs, or to be discharged: and if any person so bound over to appear, shall not thereafter, in pursuance of the terms of the bail bond, so appear and undergo the sentence or pay the penalty and costs required, such recognizance may be forfeited by any Justices of the Peace or Magistrate of Police, sitting at the said Court, and on such non-appearance being certified on the back of the said bail bond, the amount thereof shall be levied on the goods and effects of the defaulter and his sureties in the manner provided by this Act for the levy of fines and penalties, and such security for costs or for the payment of any penalty shall be in the form of Schedule DD to this Act annexed, or to the like effect.

Bail.

Default of appearance.

Summary procedure.

Form of security.

57. On the transmission of the said transcript, the said appeal shall be entered on the list of cases for trial on the civil side of the said Court, and shall be disposed of with the other business before the said Court, subject to such rules, as to time and order of hearing, as may from time to time be made by the Judges of the said Court. The Judges of the said Court shall give judgment in the said appeal after hearing the parties, or their Advocates or Law Agents, and may affirm or reverse or alter the adjudication of the said Justices of the Peace or Magistrate, with or without costs to be paid, as shall be ordered by the said Judges, as justice may seem to require: Provided always, that the said Judges may order the witnesses examined or tendered for examination in the Police Court, in the cases on either side, to be further examined, if it shall appear to them to be necessary for the due determination of the appeal, and the Registrar of the said Court shall immediately, on the determination of the said appeal, certify under his hand and seal to the said Justices of the Peace or Magistrate, the judgment of the said Court on such appeal, whereupon the said Justices of the Peace or Magistrate shall forthwith put into execution the said judgment: Provided always, that no such adjudication shall be overruled or altered, by reason of defect of form in the charge, evidence, or adjudication or other proceeding, nor otherwise than on the merits of the case, so as substantial justice shall best be attainable and without reference to form.

Appeal to be entered on list.

Rules for hearing appeals.

Judgment of Court.

Costs.

Further evidence.

Registrar of Court to certify the judgment of Court.

Execution of judgment.

No appeal for mere defect of form.

58. On any trial before any Justices of the Peace or Magistrate, and in any proceedings on appeal in the Court of Judicature, relating in any of the above cases to any seizure of contraband articles under this Act, it shall be lawful for the Judges of the said Court and for the Justices of the Peace and Magistrate, and they are hereby respectively authorized and required, to proceed to trial and hearing of appeals on the merits of the case without reference to matters of form, and without enquiring into the matter or form of making any seizure.

Seizures not to be enquired into.

Trials to be on merits.

59. All actions and prosecutions against any person, which may be lawfully brought for any thing done under the provisions of this Act, shall be commenced within three months after the act complained of shall have been committed, and not otherwise; and notice in writing of such action, and of the cause thereof shall be given to the defendant, one month, at least, before the commencement of the action; and in every such action, it shall be expressly alleged in the petition of complaint, that the act complained of was done maliciously, and without reasonable or probable cause, and if at the trial of any such action, upon the general issue being pleaded, as hereinafter provided, the plaintiff shall fail to prove such allegation, he shall be nonsuited, or a verdict shall be given for the defendant.

Actions.

Limitation, three months.

Notice of action.

Malice.

Nonsuit.

60. The defendant in any such action may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought, by or on behalf of the defendant, and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue any such action, or if upon demurrer, or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs, as between attorney and client, and have the like remedy for the same, as any defendant hath by law in other cases; and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge, before whom the trial shall be, shall certify his approbation of the action, and of the verdict obtained thereupon.

Plea of general issue.

Evidence.

Tender of amends.

Payment into Court.

Judgment for defendant.

Full costs.

Judgment for plaintiff.

Judge to certify for costs.

61. All permits required to be granted by the Registrar of Exports and Imports, or any Farmer, and all licenses granted under this Act, shall be exempt from Stamp duties.

Stamp duties.

62. Any person who shall counterfeit, erase, alter or falsify any license authorized to be issued by this Act, or any permit required to be granted by this Act, or who shall alter or pub-

Counterfeiting Licenses and Permits.

lish as true, any such counterfeited, erased, altered or falsified license, knowing the same to be counterfeited, erased, altered or falsified, shall, on conviction thereof, in the Court of Judicature, be punished by imprisonment for any period not exceeding five years, with or without hard labour, or in the discretion of the said Court, shall be liable to a penalty not exceeding One Thousand Dollars.

Penalty.

63. The Schedules to this Act annexed, and the directions and forms therein contained, shall be deemed and taken to be parts of this Act, and the several blank spaces in the said forms shall be filled up, as required by the provisions of this Act relating thereto.

Schedules and Forms to be read as part of Act.

Blanks in forms.

Interpretation of Words.

64. *Clause* 1.—In this Act, unless there be something repugnant in the subject or context,—

Interpretation Clause.

"Local Government" shall mean the Governor of the Settlement or other person performing the duties of Governor at the Station in which the Governor or such other person may then be resident, and the Resident Councillors or other persons performing the duties of Resident Councillors at the Stations in which the Governor or such other person may not then be residing.

Local Government.

"Settlement" shall mean the Settlement of Prince of Wales' Island, Singapore and Malacca, with the places now or at any time hereafter to be subordinate or attached thereto, and shall include such portion of the sea along the shores of the said Settlement as may be within the local limits of the jurisdiction of the Court of Judicature of the said Settlement.

Settlement.

"Station" shall mean any one of the Stations of Prince of Wales' Island, Singapore and Malacca, and the places now or at any time hereafter to be subordinate or attached thereto, and shall include such portion of the sea along the shores of the said Station as is within the local limits of the jurisdiction of the Court of Judicature of the said Settlement.

Station.

"Court of Judicature" shall mean Her Majesty's Court of Judicature of the Settlement of Prince of Wales' Island, Singapore and Malacca, and the several Divisions thereof.

Court of Judicature.

"Opium" shall mean any kind of Opium not prepared for smoking, chewing or eating.

Opium.

"Chandoo" shall mean any preparation of Opium or any preparation in which Opium forms an ingredient, used for smoking, chewing or eating.

Chandoo.

"Chandoo Dross" shall mean Chandoo already used for smoking.

Chandoo Dross.

"Spirituous Liquors" shall include Spirits, or distilled waters intended for human consumption, and any liqueur or compound of Spirits with fruit, sugar, honey, or other sweet or bitter principle, or vegetable production.

Spirituous Liquors.

"Toddy" shall mean the juice prepared or unprepared of the cocoanut or other tree of the palm species.

Toddy.

"Bang" shall mean any intoxicating drug or vegetable production other than Opium used for smoking or eating as a stimulant or narcotic in its raw or prepared state, except medical preparations kept and administered by medical practitioners as medicines for the cure or relief of diseased persons.

Bang.

"Importer" shall mean the person who shall take or receive from on board any ship, whether lying within or without the jurisdiction of the Court of Judicature, and who shall bring or cause to be brought to land within the Settlement of Prince of Wales' Island, Singapore and Malacca, any articles subject to duty or restrictions under this Act, and shall also include any person who shall bring or cause to be brought into the said Settlement any such articles by land.

Importer.

"Chest of Opium" shall mean the package with the Opium contained therein, such as it is usually imported by merchants in the said Settlement.

Chest of Opium.

"Ship" shall include every kind of vessel used for the conveyance of persons or things on fresh or salt water.

Ship.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Number.

Words importing the masculine gender shall include females.

Gender.

65. This Act may be cited for all purposes as the Straits Excise Act of 1866.

Short title.

A.

EXCISE REVENUE.

Farmer's Contract.

(Farmer's name) having been declared to be the Farmer of for the term commencing on the day of 18 and ending on the day of 18 and he having offered as sureties for the due fulfilment of the terms of this Contract (or certain real (or personal) estate having been assigned by him to the Local Government as security by way of mortgage, under the provisions of the Act of 18 by the deed annexed to this Contract, or Dollars having been lodged in the Local Treasury by the said Farmer as a deposit). THIS CONTRACT between the Local Government and the said Farmer and his sureties and witnesseth, that all the rights and privileges of Farmer of under the provisions of Act No. of are hereby vested in the said for the aforesaid term. The said (Farmer) and his sureties and for themselves, their executors, administrators and assigns, do hereby covenant and agree to pay to the Local Government, without demand, the sum of Dollars monthly, on the last day of every month, commencing on the day of the month of 18 , and ending on the day of the month of 18 , as the rent of the said Farm, and further covenant and agree that the said Farmer shall well and faithfully observe, perform and fulfil the several provisions, conditions and stipulations contained in the said Act, so far as they relate to the management of the said Farm, or impose any duty or obligation on the said Farmer, in as full and ample a manner, as if the said provisions, conditions and stipulations had been incorporated in this Contract: And they further covenant and agree, that if the said rent or any part thereof be unpaid for the space of days after any of the days on which the same ought to have been paid, or in case of the breach of any of the provisions, conditions and stipulations of the said Act so far as they relate to the said Farm, or the said Farmer, then and in either of such cases, it shall be lawful for the Local Government to determine and put an end to the said rights and privileges and dispose of the same to other persons, and in the event of any loss arising therefrom, they further covenant and agree to make good the said loss to the Local Government: And they further covenant and agree that the said Farmer will make over to such person as may be invested with the rights and privileges of the Farm at for the term next after the term herein provided for, all the stock of exciseable articles, and the machinery and vessels required for preparing such exciseable articles, in the possession of the said Farmer at the end of the term herein provided for, at the marketable value of the said articles, machinery and vessels, and in the event of any difference arising as to the nature and quantity of articles, machinery and vessels so to be made over and the prices thereof, such difference shall be determined by three arbitrators, one to be appointed by the said Farmer, one by the person in whom the said rights and privileges may be vested, or intended to be vested, for the next succeeding term, and one by the Local Government, and the award of such arbitrators or a majority of them shall be final, and the said arbitration, or other settlement, shall be held at such time before the end of the said term, as to the Local Government may seem reasonable. It is further covenanted and agreed that all deposits, as well as all securities given by them, shall be held by the Local Government till all questions between the said Farmer and his sureties and and the Local Government shall be finally disposed of, including matters relating to the transfer of the aforesaid exciseable articles, machinery and vessels, to the incoming Farmer, and it shall be lawful for the Local Government on breach of any of the covenants in this Contract, such breach and the amount of penalty therefor to be held and proved by indorsement on the back of this Contract by the Local Government, stating the breach and the amount of penalty therefor, to sell and dispose of all or any of the deposits on securities made and given under this Contract, without notice to the said Farmer, or his sureties and and to nominate an Officer of the Local Government to execute all conveyances necessary for the transfer of any such securities, and out of the proceeds of such sale and disposition to satisfy and discharge any claims under this Contract against the said Farmer, and his sureties and when the Local Government, after satisfying all such claims, shall return to the said Farmer, the said deposits, or so much thereof as shall remain, and shall surrender all securities held, or the remainder of such securities, or of proceeds of sale of such securities, and this Contract shall be at an end: And it is further covenanted and agreed, that the rights and privileges hereby vested in the Farmer, shall not be assigned to any other person without the consent of the Local Government, and that such assignment, if so allowed, shall not be deemed to relieve the said Farmer and his sureties and from any liability under this Contract, and the said Farmer and his sureties, and

do hereby bind themselves, and any one or two of them, their, and any one or two of their executors, administrators and assigns, in the sum of Dollars
for the due fulfilment by the said Farmer of this Contract.

Signed, Sealed, and *Delivered* at

this day of 18 by

for the Local Government,

and by Farmer and

sureties

In the presence of

STRAITS EXCISE REVENUE.

Form of Mortgage.

I
do hereby assign to the Local Government as security for the due fulfilment of the terms of the Contract for the Farm at for the term commencing the 1st day of 18 and ending the 30th day of 18 under the Straits Excise Act of 1866. All my right, title and interest in the land situate in the District of in and described in Government Grant or Lease No. dated the day of 18 and estimated to contain

and do hereby make over to the Local Government the Title Deeds of the said land. In the event of any breach of the covenants in the said Contract by the Farmer, no proof of which breach or of the amount of penalties, forfeitures, damages and losses arising therefrom, shall be required further than the indorsement of the same on the back of the said Contract, by the Chief Civil Authority in the said Settlement, I do hereby, for myself, my executors, administrators and assigns authorize the Local Government to sell, or otherwise dispose of the land hereby mortgaged, and out of the proceeds thereof to defray any penalties, forfeitures, damages and losses, or other liability to which by the said indorsement, the said Farmer shall have been declared liable, and the balance, if any, to be paid to me, my executors, administrators or assigns. And the Local Government is hereby authorized to appoint an Officer of Government to execute for me, my executors, administrators and assigns all conveyances and instruments necessary for the sale or transfer of the said lands.

In Witness whereof, I have hereunto set my hand and seal this day of in the year 18 .

Signed, Sealed, and *Delivered,*

In the presence of

B.

EXCISE IMPORTS.

Bill of Specification under Sections 6, 11, 15.

To the Registrar of Imports and Exports at

SIR,

Please to issue a Permit to land from the Ship (chests of Opium or gallons of Spirituous Liquors—name of Liquor, contained in casks—number of bottles—number and description of case or package Chandoo Opium Dross package) within the hours from till on the day of 18 to be stored in the (godown, shop or house) of No. in Street at or the Office of Registrar of Imports and Exports.

Yours, &c.,

Date *Importer.*

A copy of this Permit has been served on me.

(Opium) Farmer.

18

C.

EXCISE IMPORTS PERMIT.

Under Sections 6, 11, 15.

(is) authorized within the hours from till on the day of 18 to land from the Ship (chests of Opium or gallons of Spirituous Liquors—name of Liquor, contained in casks—number of bottles and description of case or package Chandoo Opium Dross package) and (is) required to store the same in the (godown, shop or house) of No. in Street at or the Office of Registrar of Imports and Exports at

Singapore,

Registrar of Imports & Exports.

Date

D.

EXCISE REVENUE—OPIUM.

Notice to remove under Section 6.

To the Registrar of Imports and Exports at

SIR,

Please to issue a Permit for the removal of chests of Opium (marks and numbers) imported from by and stored under your Permit dated the day of 18 in the godown, &c., of situate in at and afterwards removed to the godown, &c., of and thence to the godown, &c., of (as often as may be necessary to set out the several removals) from the godown, &c., of at to the godown, &c., of situate at in

Yours, &c.,

Date

E.

EXCISE EXPORTS.

Bill of Particulars under Sections 6, 11, 12, 18.

To the Registrar of Imports and Exports at

SIR,

Please to issue a Permit to export by Ship (chests of Opium or gallons of Spirituous Liquors—name of Liquor, contained in casks—number of bottles—number and description of case or package Opium, Chandoo Opium Dross), within the hours from till on the day of 18 to (destination) the said having been purchased by me from in whose (godown, shop or house) it is now stored (*or* the same being now stored in my godown, shop or house) at the same being now stored in your Office, and sold by me to who is desirous of exporting.

Yours, &c.,

Exporter.

Date

F.

EXCISE EXPORTS PERMIT.

Under Sections 6, 11, 12, 18.

A copy of this Permit has been served on me.

Farmer.

(is) authorized to export by Ship to (chests of Opium or gallons of Spirituous Liquors—name of Liquor, contained in casks—number of bottles—number and description of case or package Chandoo Opium Dross) within the hours from till on the day of 18 , the said ( ) having been purchased by the exporter from the same being now stored in the (godown, shop or house of situated at the same being now stored in my Office) and sold to who is required to export in terms of this Permit.

Registrar of Imports and Exports.

Date

Date

G

FORM OF SEARCH WARRANT.

Under Sections 8, 23, 30.

To the (Opium) Farmer or any Revenue Officer duly appointed under Act of or any Police Officer.

To Wit.

Whereas it appears to me, A B, one of Her Majesty's Justices of the Peace for the said Station, by the information on oath of that he hath good reason to believe and doth believe that (Opium or Spirituous Liquors) have been removed contrary to the provisions of this Act, from the (godown, store or house) of situated in (or that Toddy or Bang is now being grown and prepared contrary to the provisions of this Act, in the land of situated at).

These are, therefore, to authorize and require you, to enter in the day-time, with a Police Officer of this Station, of the rank of Inspector at least, the said and therein take an account in writing of all (Opium or Spirituous Liquors) found in the said (godown, store or house, or of all trees used for producing Toddy, and measure the quantity of land used for the growth of Bang), and thereafter bring before me, or some other of Her Majesty's Justices of the Peace at the said Station, at the Police Court, at the said account in writing within days, from the date hereof, and herein fail not.

Given under my hand and seal, at this day of 18

(Signed)

Justice of the Peace

H.

EXCISE REVENUE LICENSE.

Under Section 33.

A fee of Dollars (100) has been paid for this license.

Commissioner of Police.

(1st Class).

Keeper of Hotel, situated in at duly licensed under Act of is hereby authorized under the provisions of the Straits Excise Act of 1866 to sell Spirituous Liquors in the said (Hotel), so that the same be used and consumed on the premises.

(Signed)

Commissioner of Police.

Date

I.

EXCISE SPIRITUOUS LIQUORS.

Declaration by Importer under Section 15.

To the Spirit Farmer at

Take Notice, that of the quantity of
landed by me on the at
from the Ship and now stored in
I hereby declare gallons bottles
to be intended for use where stored and tender to you the sum of Dollars,
being for the duty payable on the same under Act of

Date *Importer.*

K.

EXCISE SPIRITS.

Notice to remove under Section 17.

To the Spirit Farmer at

Take Notice, that I desire to remove under Section 17 of the Straits Excise Act of 1866 gallons bottles of contained in imported by on the day of 18 ex-ship and now stored in at and I hereby tender to you payment of being the amount of duty chargeable on the same, and require from you a Permit for the removal of the same from ( ) to the godown, shop or house of situated at (or if duty already paid) the duty on the said having been already paid by the Importer (giving the name).

Yours, &c.,

Date *Importer.*

L.

EXCISE SPIRITS.

Permit to remove under Section 17.

(is) authorized to remove under Section 17 of the Straits Excise Act of 1866, from ( ) to ( ) gallons bottles of contained in (package) imported by on the day of 18 , ex-ship and now stored in at and I acknowledge to have received from the sum of Dollars being the amount of duty chargeable on the same.

Date *Spirit Farmer.*

M.

EXCISE SPIRITS.

Notice to remove under Section 20.

To the Spirit Farmer at

SIR,

Please to issue your Permit for the removal under Section 20 of Act of 1866, of gallons, &c., cases containing bottles, &c., of (name of Spirituous

Liquors) imported and stored by in the godown of at and thence removed duty paid under your Permit, dated the day of 18 to the godown, &c., of at (state any further removals and dates of Farmer's Permits) where the said now lies, to the godown, &c. of at

Yours, &c.,

Date

N.

EXCISE SPIRITS.

Permit to remove under Section 20.

is hereby authorized to remove (state as in application) from the godown, &c., of at to the godown, &c., of at Duty on the said Spirituous Liquors having been paid by

Date *Spirit Farmer.*

O.

EXCISE SPIRITS.

To Wit. }

Order to remove under Section 21.

Whereas application has been made to me, one of Her Majesty's Justices of the Peace for the said Station, for an order to remove (here state full particulars as required by Section 20) by (name of applicant) and whereas security to my satisfaction has been given by the said (applicant) for the amount of duty chargeable on the quantity of Spirituous Liquors intended to be removed. These are, therefore, to authorize the removal of (here state particulars) now stored in the godown of at to the godown of at there to be kept till further authorized to be removed under the provisions of the Straits Excise Act of 1866.

Given under my hand and seal, at this day of 18 .

Justice of the Peace.

P.

EXCISE SPIRITUOUS LIQUORS.

Receipt by Spirit Farmer under Section 22.

I hereby acknowledge to have received from the sum of Dollars being the sum payable as duty under the Straits Excise Act of 1866, for gallons bottles of declared to be for use where stored by the said in the godown of at

Date *Spirit Farmer.*

Q.

EXCISE REVENUE LICENSE.

Under Section 33.

A fee of Dollars has been received for this License.

Commissioner of Police.

is hereby authorized to keep a licensed shop for the sale of (Chandoo, &c., Spirituous Liquors or Toddy and Bang) at (No. Street Town (or in the village or district of) subject to the Rules and Regulations in that behalf, which Rules and Regulations have been read and explained to the said

Given at this day of 18

Commissioner of Police.

R.

EXCISE REVENUE.

Appointment of Revenue Officer under Section 45.

of in

is hereby, with the sanction of the Local Government, appointed to be a Revenue Officer, under the Straits Excise Act of 1866, and is hereby vested with all the rights, powers and immunities of such office under the provisions of the said Act.

Date *Commissioner of Police.*

S.

FORM OF SEARCH WARRANT.

Under Section 50.

To the Peace Officer or Officers within this Settlement, or to the Revenue Officer or Officers appointed according to the provisions of the Straits Excise Act of 1866.

To Wit. Whereas it appears to me, *A B*, one of Her Majesty's Justices of the Peace for the said *Station*, by the information on oath of *C D*, that he has good cause to believe and doth believe that articles, subject to forfeiture under the provisions of the Straits Excise Act of 1866, are concealed or deposited in the *dwelling house, shop, or other building, or place of E F or on board the ship* now lying or being within the limits of the jurisdiction of the Court of Judicature of the said *Settlement*. These are, therefore, in the name of our said Lady the Queen, to authorize and require you, with necessary and proper assistants, to enter in the day-time into the said *dwelling house, shop, or other building, or place of the said E F or on board the ship* now lying or being within the limits of the jurisdiction of the Court of Judicature in the said *Settlement*, and there diligently to search for the said articles, and also to authorize and require you, if a Peace Officer, and if not, in the presence of a Peace Officer, to enter in the night-time (that is to say, at any time between the hours of 6 o'clock in the evening and 6 in the following morning) in the said *dwelling house, shop, or other building, or place of the said E F or on board the ship* lying or being within the limits of the jurisdiction of the Court of Judicature in the said *Settlement*, and there diligently search for the said articles, and if the same shall be found upon such search, that you seize and take possession of the said articles so found, and also the body or bodies of any person or persons being in the said *dwelling house, shop, or other building, or place, or on board the ship* lying or being within the limits of the jurisdiction of the Court of Judicature in the said *Settlement*, in whose possession, custody or control any such articles may be found, or whom you may have good and sufficient reason to suspect had concealed or deposited therein any such article, and to bring the said articles and person or persons before me the said *A B* or some other of the Justices of our said Lady the Queen, assigned to keep the peace in the Settlement aforesaid, to be disposed of and dealt with according to law.

Given under my hand and seal at in the year

(Signed) A B,
Justice of the Peace.

T.

EXCISE REVENUE.

Recognizance under Section 51.

To Wit. Be it remembered that (person charged) and (sureties) appeared before the undersigned, one of Her Majesty's Justices of the Peace for this *Station*, and acknowledge themselves severally, as well as jointly, to be indebted to the Commissioner of Police at this *Station*, or his successor in office, in the sum of Dollars to be levied in a summary manner, by distress and sale of the goods and effects of the said severally, as well as jointly, under the provisions of Section 53 of the Straits Excise Act of 1866.

The condition of the above recognizance is such, that if the above bounden shall be and appear at the Police Court at on next, the ,

day of 18 to be further dealt with according to law, and shall not depart therefrom without leave till lawfully discharged or convicted, then this recognizance to be void and of no effect, otherwise to stand in full force and virtue.

Taken and acknowledged before me,

Date *Justice of the Peace.*

V.

WARRANT OF COMMITMENT.

Under Section 51 *of the Straits Excise Act of* 1866.

To Wit. } Whereas and have been brought before me, one of Her Majesty's Justices of the Peace for the Station by Revenue Officer appointed or by (a Police Officer) charged with (here state charge).

And whereas it appears to me that there is good reason to believe that an offence has been committed, for which the said ought to answer at the Police Court : and whereas the said has not found bail to my satisfaction to appear to answer the said charge :

These are, therefore, to authorize and require (the said Revenue Officer) to take the said (prisoners) to the principal Police Lock-up at there to be detained till (he) shall be brought before the Justices of the Peace, at the Police Court at to answer to the charge there to be preferred against (him) unless (he) shall before that time give bail to the satisfaction of any of Her Majesty's Justices of the Peace at this Station, for (his) appearance at the Police Court as aforesaid.

Witness my hand and seal, this day of 18

Justice of the Peace.

W.

FORM OF DISTRESS WARRANT.

Under Section 54.

To the Peace Officers, or to any Peace Officer of the said Station.

To Wit. } Whereas *A B* of has been on the day of 18 duly convicted before us (*C D* and *E F*, two of Her Majesty's Justices of the Peace, or *G H*, Magistrate of Police) for the said *Station* of the offence of

against the form of the Act of in that case made and provided, and was thereupon adjudged by us that he the said *A B* had forfeited the sum of Dollars for the offence aforesaid: and whereas the said *A B* being required to pay the said sum hath not paid the same, but therein has made default: These are to command you to distrain the goods and chattels of the said *A B* which may be found within this *Station*, to the amount of the said sum, and such further sum as may be sufficient to defray the charges of making such distress, and if within five days next after such distress, the said sum, together with the reasonable charges for taking and keeping the said distress, shall not be paid, to sell the said goods and chattels, and having paid out of the money arising by such sale the said sum of Dollars to us to be applied, according to the provisions of the said Act of

and having deducted the necessary charges for taking, keeping and selling the said distress, to return the overplus, if any, on demand to the person whom you shall find in possession of the said goods and chattels; and if no such distress can be made that then you certify the same unto us to the end that such further proceedings may be had thereon as to the law doth appertain.

Given under our hands and seals, this day of 18

C D,
E F,
Justices of the Peace,
or
G H,
Magistrate of Police.

X.

FORM OF COMMITMENT WHEN IT APPEARS THAT THE OFFENDER HAS NO GOODS WHEREON TO LEVY A DISTRESS.

Under Section 54.

To the Peace Officers, or any Peace Officer, and the Keeper of the Prison of the said Station, or Keeper of the House of Correction at the said Station.

To Wit. Whereas *A B* of was on the day of 18 , duly convicted before us, *C D* and *E F*, two of Her Majesty's Justices of the Peace, or *G H*, Magistrate of Police for the said *Station*, of the offence of

against the form of Act of in that case made and provided, and was thereupon adjudged by us, that he the said *A B* had forfeited the sum of Dollars for the offence aforesaid to be commuted in case of non-payment of the said sum to imprisonment for *with hard labour:* and whereas the said *A B* hath not paid the said sum, but therein hath made default, and it appears to us that the said *A B* has no goods or chattels whereon to levy a distress: These are, therefore, to command you, the said Peace Officers or Peace Officer, to take the said *A B* and him safely to convey to the prison of the said *Station*, and there to deliver him to the said Keeper thereof together with this precept; And we do hereby command you, the said Keeper of the said prison, to receive the said *A B* into the said prison, there to imprison him *with hard labour* for the space of

Given under our hands and seals, at this day of 18

C D,
E F,
Justices of the Peace,
or
G H,
Magistrate of Police.

Y.

FORM OF COMMITMENT.

Under Section 54.

To the Peace Officers, or any Peace Officer, and the Keeper of the Prison of the said Station, or to the Keeper of the House of Correction at the said Station.

To Wit. Whereas *A B* of was on the day of 18 , duly convicted before us (*C D* and *E F*, two of the Justices of the Peace, or *G H*, Magistrate of Police) for the said *Station*, of the offence of

against the form of Act of , in that case made and provided, and was thereupon adjudged by us that he the said *A B* had forfeited the sum of Dollars, for the offence aforesaid, to be commuted in case of non-payment of the said sum to imprisonment for *with hard labour:* And whereas we have issued a Distress Warrant to levy the amount of the said sum by seizure and sale of the goods and chattels of the said *A B* within our jurisdiction, and no goods and

chattels of the said *A B* have been found within such jurisdiction, and the said *A B* hath not yet paid the said sum, but therein hath made default: These are, therefore, to command you, the said Peace Officers or Peace Officer, to take the said *A B* and him safely to convey to the prison of the said *Station*, and there to deliver him to the said Keeper thereof together with this precept: And we do hereby command you, the said Keeper of the said prison, to receive the said *A B* into the said prison, there to imprison him *with hard labour* for the space of

Given under our hands and seals at this day of 18 .

C D,
E F,
Justices of the Peace,
or
G H,
Magistrate of Police.

Z.

FORM OF CONVICTION.

Under Section 55.

To Wit. } Be it remembered that, on the day of in the year 18 , *A B* is found guilty before us, *C D* and *E F*, two of the Justices of the Peace, or *G H*, Magistrate of Police for the said *Station*, of the offence of

against the form of the Straits Excise Act of 1866 in that case made and provided: And we do hereby convict him of the offence aforesaid, and do adjudge that he, the said *A B*, hath forfeited the sum of Dollars for the offence aforesaid, to be commuted in case of non-payment of the said sum to imprisonment for *with hard labour.*

Given under our hands and seals, at the day and year first mentioned.

C D,
E F,
Justices of the Peace,
or
G H,
Magistrate of Police.

AA.

EXCISE REVENUE.

Notice of Appeal under Section 56.

In the Police Court at

In the case of
The (Opium) Farmer,
Complainant,
versus
M N,
Defendant.

To *A B*, Esq., and *C D*, Esq., Her Majesty's Justices of the Peace at
or *E F*, Esq., Magistrate of Police at

Take notice, that I intend to appeal to the Court of Judicature against your adjudication in the above-named case, on the following grounds :—that is to say (here state grounds of appeal in full).

Yours, &c.,

Date *Complainant or Defendant.*

BB.

EXCISE REVENUE APPEAL.

Under Section 56.

IN THE COURT OF JUDICATURE OF PRINCE OF WALES' ISLAND, SINGAPORE AND MALACCA.
Division of

In the Matter of
The (Opium) Farmer of
versus

Charge in full (as in Charge Sheet or Summons). Mr. appeared as Law Agent for the Complainant, and Mr. for the Defendant (as the case may be).

The case was called on in the Police Court in on the day of 18 before (Esq., a Magistrate of Police), or two of Her Majesty's Justices of the Peace for the Station, when the Defendant pleaded not guilty, and the following evidence was taken on oath for the prosecution :—(here copy evidence for prosecution).

The Defendant contended (here state shortly the points of defence made by or for the Defendant).

The following evidence was taken for the Defendant :—(here copy evidence for defence).

For the Complainant it was contended that (here state shortly the argument in support of the Complainant's case).

The following adjudication was then made by the undersigned :—(here state decision).
On the day of 18 (the Complainant or Defendant, as the case may be), gave notice to the undersigned of (his) intention to appeal and (has) lodged with (us) the sum of Dollars for the copying of this transcript, and (has) given security to (my) satisfaction in the sum of Dollars to answer the costs of this appeal, and in the further sum of Dollars (the amount of penalty) for the due enforcement of the penalty awarded by (me) or to be awarded by the Court of Judicature, if necessary.

This transcript is therefore in terms of Section 56 of the Straits Excise Act of 1866 transmitted to the Registrar of Her Majesty's Court of Judicature.

Given under (my) hand and seal, at this day of 18

Magistrate of Police,
or
Two Justices of the Peace.

CC.

EXCISE REVENUE.

Order to produce person confined under Section 56.

To the Sheriff of Prince of Wales' Island, Singapore and Malacca, or to the Keeper of the House of Correction at

These are to require you to bring before us or such other Justices of the Peace or Magistrate of Police as may be sitting at the Police Court, on next, the day of 18 the body of (prisoner's name) now in your custody, under warrant of Commitment, dated the day of 18 for an offence against the provisions of the Straits Excise Act of 1866.

Given under our hands and seals, at this day of 18

Justice of the Peace, &c.

DD.

EXCISE REVENUE.

Recognizance of Bail under Section 56.

(Defendant's name and sureties' names) appear before us, and acknowledge themselves severally, as well as jointly, to be indebted to the Commissioner of Police at this Station, or his successor in office, in the sum of Dollars for costs in an appeal by him forwarded under the Straits Excise Act of 1866, and a further sum of Dollars to answer a penalty adjudicated against the first above-named to be levied in a summary manner, by distress and sale of the goods and effects of the said severally, as well as jointly, under the provisions of Section 56 of the Sraits Excise Act of 1866.

The condition of this recognizance is such, that if the above bounden (Defendant) shall, if ordered thereto on appeal by the Court of Judicature, pay the amount of taxed costs of the said appeal (and shall further appear at this Police Court within two days after the hearing and decision of the said Court of Judicature on the said appeal) and surrender himself to undergo any sentence or pay any penalty which may be ordered by the said Court of Judicature on appeal, then this recognizance to be void and of no effect, otherwise to stand in full force and effect.

Taken and acknowledged at the Police Court at this day of 18

Justice of the Peace, &c.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

Simla, the 30th October 1866.

The following Bill and Statement of Objects and Reasons accompanying it, are published for general information by order of His Excellency the Governor General, under the 19th of the Rules for the Conduct of Business at Meetings of the Council of the Governor General of India for the purpose of making Laws and Regulations :—

THE ADMINISTRATOR GENERAL'S BILL.

ARRANGEMENT OF SECTIONS.

PART I.—*Preliminary.*

1. Short Title.
2. Repeal of Acts.
3. Interpretation Clause.

PART II.—*Of the Office of Administrator General.*

4. Designation of the three Administrators General.
5. Appointment, suspension, and removal of Administrators General.
6. Qualification of future and continuance of existing incumbents.
7. Administrator General not to be deemed an Officer of High Court.
8. Probates and Letters of Administration granted by Supreme Courts to Ecclesiastical Registrars, to have same effect as if granted to Administrators General.
9. No Administrator General to be an Ecclesiastical Registrar.
   Administrator General not to hold any other office without sanction of Government.
   Proviso.
10. Administrator General not to trade.
    Exception.
11. Security to be given by Administrator General.
    Substitution of security of sureties.
12. No security nor oath to be required by Court from Administrator General.
13. Appointment of Officiating Administrator General.

PART III.—*Of the Rights, Powers, and Duties of the Administrator General.*

(*a*)—*Grants of Letters of Administration and Probate to the Administrator General.*

14. As regards Administrator General, High Court at Presidency Town to be a Court of competent jurisdiction, wheresoever within the Presidency the assets may be situate.
15. Administrator General entitled to letters of administration, unless granted to next-of-kin of deceased.
    Administrator General entitled to preference of creditor, legatee or friend.
16. When administration of estates of persons other than Hindús, Muhammadans or Buddhists is to be by Administrator General.
17. Upon death of any person leaving assets within local limits, High Court may, if assets are in danger, direct Administrator General to apply for administration.
18. Upon death of any person leaving property within local limits, High Court may, if property is in danger, enjoin Administrator General to collect and hold the same until the right of succession or administration is ascertained.
    Rate of commission payable in such case.
19. Probate to be granted to executor appearing in course of proceedings taken by Administrator General to obtain administration.

Costs of proceedings taken by Administrator General to be paid out of the estate.

20. If no executor or next-of-kin appear, or give necessary security, letters of administration to be granted to Administrator General.

Administration to effects of deceased Hindús, Muhammadans or Buddhists not to be granted under Section 16, unless required to protect the assets.

Costs of unnecessary application.

21. Administrator General in certain cases to secure and distribute the estates and effects of soldiers.

Proviso.

22. Administrator General not precluded from applying for letters of administration in any case within one month after death of deceased.

23. After revocation, letters of administration granted to Administrator General to be deemed as to him to have been voidable only.

Exception.

Proviso.

24. What payments made or acts done by Administrator General prior to revocation of administration upon production of a will, shall be deemed valid.

25. In what cases Court may recall Administrator General's administration, and grant probate, &c., to executor or next-of-kin.

Unless a will is proved, application to revoke such administration must be made within one year and without needless delay.

26. Costs of obtaining administration, commission, &c., may, on revocation, be ordered by Court to be paid to Administrator General out of the assets.

27. After one year from grant of administration, distribution of assets by Administrator General to be allowed against all claims of which he had no notice.

Persons receiving payments liable to refund.

What to be notice of debt or claim.

28. Letters of administration to be granted to Administrator General in virtue of his office.

Authority given by such letters.

29. Probate granted to Administrator General appointed executor by virtue of his office.

30. Transfer by private executor or administrator of interest under probate or letters of administration.

31. Vesting of estates, &c., in successor to Administrator General.

(b)—Suits by and against Administrator General.

32. Administrator General to sue and be sued in his representative capacity by his name of office.

Suit not to abate by death, etc.

Proviso as to costs.

33. Suits against Administrator General in Courts other than the High Courts in the Presidency Towns.

(c)—Grant of Certificates by Administrator General.

34. In what cases Administrator General may grant certificate.

No certificate to be granted in respect of money in Government Savings Bank.

35. Grant of certificate to creditors.

Proviso.

36. Administrator General not bound to grant certificate, unless satisfied of claimant's title.

37. Certificate with receipt annexed to be a sufficient discharge.

Proviso.

38. Administrator General not bound to take out administration on account of effects, in respect of which he has granted a certificate.

39. Fee for certificate.

(d)—Expenses of the Administrator General's Establishment.

40. Administrator General to defray expenses of establishment, and all other charges not expressly provided for.

(e)—Accounts and Schedules.

41. Administrator General to keep a separate account for each estate, to be open to inspection on payment of fee.

42. Administrator General to furnish half-yearly schedules.

PART IV.—*Of the Audit of the Administrator General's Accounts.*

43. Government to appoint auditors.

44. Auditors to examine schedule and report to Government.

45. Auditors to have power to summon witnesses and to call for books, etc.

Penalty for non-attendance.

46. Costs of preparing schedule, etc., how to be paid.

47. Auditors to report especially to Government if accounts appear not correct.

48. Proceedings upon such report.

49. Costs of reference, etc., how to be defrayed.

PART V.—*Of the Commission of the Administrator General.*

50. Commission to be received by Administrators General.

51. Section 50 not to apply to property of officers and soldiers dying on service, which shall come to hands of Administrator General.

Administrator General only entitled to a commission of three per cent. on gross amount of such property.

52. What expenses, etc., commission is to cover.

How payable.

Commission retained to be deemed a distribution.

53. Commission of Administrators General of Madras and Bombay may be reduced and again raised.

Proviso.

54. Commission or agency not to be charged by executor or administrator other than the Administrator General.

Bequest in favour of executors not affected.

PART VI.—*Miscellaneous.*

55. Government may make and alter rules and orders consistent with this Act—

For custody of assets :

For remittance of money ; and

For guidance of Administrator General.

Proviso as to rules now in force.

56. Publication of orders, etc.

57. Orders of Court to have same effect and to be executed in same manner as a decree.

58. Penalty for false evidence.

59. Proceeds of estates unclaimed for fifteen years to be transferred to Government.

60. Mode of proceeding by claimant to recover principal money so transferred.

61. District Judge in certain cases to take charge of property of deceased persons, and to report to Administrator General.

62. Act not to require administration of estates of soldiers, unless Administrator General authorized by Military Secretary.

63. Indian Succession Act and Indian Companies' Act not to affect Administrator General.

Schedule of Acts repealed.

A Bill to consolidate and amend the law relating to the office and duties of Administrator General.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the office and duties of Administrator General; It is hereby enacted as follows :—

PART I.—*Preliminary.*

Short Title.

1. This Act may be called "The Administrator General's Act, 1867."

Repeal of Acts.

2. The Acts and parts of Acts specified in the Schedule hereto are repealed, except so far as they repeal other Acts or Regulations, or parts of Acts or Regulations. All things duly done under any of the Acts or parts of Acts hereby repealed, shall be considered as having been done under this Act.

Interpretation clause.

3. In this Act, unless there be something repugnant in the subject or context—

Presidency of Bengal.

"Presidency of Bengal" includes the territories respectively under the governments of the Lieutenant Governors of Bengal, the North-Western Provinces, and the Punjab, and under the administrations of the Chief Commissioners of Oudh, the Central Provinces, and British Burmah:

Presidency of Madras.

"Presidency of Madras" includes the territories under the government of the Governor of Fort St. George, and also, so far as regards British subjects, Mysore, Coorg and the Hyderabad Assigned Districts.

Presidency of Bombay.

"Presidency of Bombay" means the territories under the government of the Governor of Bombay:

Presidency Town.

"Presidency Town" means the town of Calcutta, Madras or Bombay, as the case may be:

Government.

"Government" means the Governor General of India in Council, so far as the Act relates to the Presidency of Bengal; the person for the time being administering the executive government of the Presidency of Fort St. George, so far as the Act relates to the Presidency of Madras; and the person for the time being administering the executive Government of the Presidency of Bombay, so far as the Act relates to that Presidency.

District Judge.

"District Judge" means the Judge of a principal Civil Court of original jurisdiction.

Letters of Administration.

"Letters of Administration" shall include any letters of administration, whether general or limited, or with a will annexed, and letters *ad colligenda bona:*

Next-of-kin.

"Next-of-kin" includes a widower or widow of a deceased person, or any other person who, by law and according to the practice of the Courts, would be entitled to letters of administration in preference to a creditor or legatee of the deceased:

Officer.

"Officer" means a Commissioned Officer of Her Majesty's Army, or of Her Majesty's Indian Army:

Soldier.

"Soldier" means a soldier of Her Majesty's Army, or European soldier of Her Majesty's Indian Army, including a Warrant and a Non-Commissioned Officer.

Words in the masculine gender include the feminine; and words in the singular number include the plural, and *vice versâ.*

PART II.—*Of the Office of Administrator General.*

Designation of the Administrators General in the three Presidencies.

4. In each of the Presidencies of Bengal, Madras and Bombay, there shall be an Administrator General. The said Administrators General shall be called respectively the Administrator General of Bengal, the Administrator General of Madras, and the Administrator General of Bombay.

Appointment, suspension and removal of Administrators General.

5. Such Officers shall be appointed and may be suspended or removed by the authorities hereinafter mentioned respectively, that is to say,—

The Administrator General of Bengal, by the Governor General of India in Council: the Administrator General of Madras, by the Government of Fort St. George; and the Administrator General of Bombay, by the Government of Bombay.

Qualification of future and continuance of existing incumbents.

6. Any person hereafter appointed to the office of Administrator General or Officiating Administrator General of any of the said Presidencies, shall be a member of the Bar of England or Ireland, or of the Faculty of Advocates in Scotland, of not less than five years' standing; but any person now holding such office shall continue to hold the same, subject to the provisions contained in the other Sections of this Act.

Administrator General not to be deemed an Officer of High Court.

7. The Administrator General shall not be deemed in that capacity to be an Officer of any High Court.

Probates and letters of administration granted by Supreme Courts to Ecclesiastical Registrars to have same effect as if granted to the Administrators General.

8. All probates and letters of administration granted by any of the late Supreme Courts of Judicature to the Ecclesiastical Registrar of such Court in virtue of his office, shall have the same effect in all respects as to any act hereafter to be done or required to be done under thir Act, as if they had been granted to the Administrator General.

No Administrator General to be Ecclesiastical Registrar.

Administrator General not to hold any other office without sanction of Government.

Proviso.

9. No person now holding the office of Administrator General, or hereafter to be appointed to such office in any of the said Presidencies, shall hold the office of Ecclesiastical Registrar, nor, without the express sanction of Government, any other office, together with that of Administrator General: Provided that the Administrator General of the

Presidency may be appointed Official Trustee under Act No. XVII of 1864: Provided also, that nothing in this Act shall prevent the Administrator General of Bengal from holding the office of Receiver of the High Court of Judicature at Fort William.

Penalty for trading.

10. It is hereby declared to be an offence punishable in manner provided by Section 168 of the Indian Penal Code, for any Administrator General to trade or traffic for his own benefit, or for the benefit of any other person, unless so far as shall appear to him to be expedient for the due management of the estates which shall come into his charge under the provisions of this Act, and for the sole benefit of the several persons entitled to the proceeds of such estates respectively; but this exception is not to be construed to alter the civil liabilities of the Administrator General as trustee of such estates.

Exception.

Security to be given by Administrator General.

11. Unless the Governor General of India in Council or the Government, with the sanction of the Governor General of India in Council, shall otherwise order, every Administrator General hereafter to be appointed shall give security to the Government of India for the due execution of his office, for one lakh of Rupees by his own bond, and for another lakh of Rupees, or for separate sums, amounting together to one lakh of Rupees, by the deposit of Government securities, or by the joint and several bond or bonds of two or more sureties to be approved by Government, or partly by such deposit and partly by such bond or bonds: Provided that every Administrator General may, with the consent of Government, substitute either of the said two last-mentioned kinds of security for another previously given for such last-mentioned lakh, or any part of it; and every Administrator General may, with the consent of Government, and shall from time to time when required by Government so to do, cause fresh sureties to be substituted for any of those previously bound so far as the security shall relate to the due execution of his office for the time then to come.

Substitution of security or sureties.

No security nor oath to be required by Court from Administrator General.

12. No Administrator General shall be required by any Court to enter into any administration bond, or to give other security to the Court, on the grant of any letters of administration to him in virtue of his office; and no Administrator General shall be required to verify, otherwise than by his signature, any petition presented by him under the provisions of this Act.

Appointment of Officiating Administrator General.

13. Whenever any person holding the office of Administrator General shall obtain leave of absence, it shall be lawful for the Government to appoint some person to officiate as Administrator General, and such person while so officiating shall be subject to the same conditions and be bound by the same responsibilities as the Administrator General by any law now in force or that may hereafter be enacted, and he shall be deemed to be Administrator General for the time being under this Act, and shall be liable to give security under Section 11 of this Act in like manner as if he had been appointed Administrator General.

PART III.—*Of the Rights, Powers and Duties of the Administrator General.*

(a)—Grants of Letters of Administration and Probate to the Administrator General.

As regards Administrator General, High Court at Presidency Town to be deemed a Court of competent jurisdiction within meaning of Sections 187 and 190 of Indian Succession Act.

14. So far as regards the Administrator General of any of the Presidencies of Bengal, Madras and Bombay, the High Court of Judicature at the Presidency Town shall be deemed to be a Court of competent jurisdiction within the meaning of Sections 187 and 190 of the Indian Succession Act, 1865, wheresoever within the Presidency the property to be comprised in the probate or letters of administration may be situate.

Administrator General entitled to letters of administration, unless granted to next-of-kin of deceased.

Administrator General entitled in preference to creditor, legatee or friend.

15. Any letters of administration, or letters *ad colligenda bona*, which shall hereafter be granted by the High Court of Judicature at any Presidency Town, shall be granted to the Administrator General of the Presidency, unless they shall be granted to the next-of-kin of the deceased. The Administrator General of the Presidency shall be deemed to have a right to letters of administration in preference to that of any person merely on the ground of his being a creditor, residuary or other legatee, or friend of the deceased.

When administration of estates of persons other than Hindús, Muhammadans or Buddhists is to be by Administrator General.

16. If any person, not being a Hindú, Muhammadan or Buddhist, shall have died, whether within any of the said Presidencies or not, and whether before or after the passing of this Act, and shall have left assets exceeding the value of five hundred Rupees within any of the said Presidencies, and no person shall, within one month after his death, have applied in India for probate of a will, or for any letters of administration of his estate, the Administrator General of the Presidency in which such assets shall be is hereby required, within a reasonable time after he shall have had notice of the death of such person, and of his having left such assets as aforesaid, to take such proceedings as may be necessary to obtain from the High Court of Judicature at the Presidency Town, letters of administration to the effects of such person, either generally or with a will annexed, as the case may require. Whenever the Administrator General of the Presidency shall take proceedings under this Section, it shall be sufficient if the petition required by Section 246 of the Indian Succession Act, 1865, shall state the time and place of the deceased's death to the best of the petitioner's knowledge or belief, that the deceased left some property within the Presidency as hereinbefore defined, and the amount of assets which are likely to come into the petitioner's hands.

17. Whenever any person, whether a Hindú, Muhammadan or Buddhist, or not, shall die leaving assets within the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at the Presidency Town, it shall be lawful for the Court, upon the application of any person interested in such assets, or in the due administration thereof, either as a creditor, legatee, next-of-kin, or otherwise, or upon the application of a friend of any minor who may be so interested, or upon the application of the Administrator General, if the applicant shall satisfy the Court that danger is to be apprehended of the misappropriation of such assets unless letters of administration of the effects of such person are granted, to make an order, upon such terms as to costs as to the Court shall seem fit, directing the Administrator General to apply for letters of administration of the effects of such person.

Upon death of any person leaving assets within local limits, High Court may, on application if assets are in danger, direct Administrator General to apply for administration.

18. Whenever any person, whether a Hindú, Muhammadan or Buddhist, or not, shall have died leaving moveable or immoveable property within the local limits of the ordinary original civil jurisdiction of any of the said High Courts, and such Court shall be satisfied that danger is to be apprehended of the misappropriation or waste of such property, before it can be ascertained who may be legally entitled to the succession to such property, or whether the Administrator General is entitled to letters of administration to such deceased person, it shall be lawful for the Court to authorize and enjoin the Administrator General to collect and take possession of such property, and to hold or deposit or invest the same according to the orders and directions of the Court, and in default of any such orders or directions, according to the provisions of this Act so far as the same are applicable to such property; and the Administrator General shall be entitled to a commission of one *per centum* upon the amount of all moveable assets collected or received by him in pursuance of such order, and also to reimburse himself for all payments made by him in respect of the assets which a private administrator of such assets might lawfully have made; and in case letters of administration of any such property shall be afterwards granted to the Administrator General, the said commission of one *per centum* shall be deemed a part payment of the commission payable to the Administrator General under the letters of administration. Any order of Court made under the provisions of this Section, shall entitle the Administrator General to collect and to take possession of such property, and, if necessary, to maintain a suit for the recovery thereof.

Upon death of any person leaving property within local limits, High Court may, if property is in danger, enjoin Administrator General to collect and hold the same until right of succession or administration is ascertained.

Rate of commission payable in such case.

19. If in the course of proceedings to obtain letters of administration under the provisions of Section 16 or Section 17 of this Act, any executor appointed by a will of the deceased shall appear according to the practice of the Court and prove the will and accept the office of executor, or if any person shall appear according to such practice and make out his claim to letters of administration as next-of-kin of the deceased, and shall give such security as shall be required of him by law or by the practice of the Court, the Court shall grant probate of the will or letters of administration accordingly, and shall award to the Administrator General his costs of the proceedings so taken by him, to be paid out of the estate as part of the testamentary expenses thereof.

Probate to be granted to executor appearing in the course of proceedings taken by Administrator General to obtain administration.

Costs of proceedings taken by the Administrator General to be paid out of the estate.

20. If no person shall appear according to the practice of the Court, and entitle himself to probate of a will, or to a grant of letters of administration as next-of-kin of the deceased, or if the person who shall entitle himself to a grant of administration shall neglect to give such security as shall be required of him by law or according to the practice of the Court, the Court shall grant letters of administration to the Administrator General: Provided that, in the case of an application being made under Section 17 of this Act for letters of administration to the effects of a deceased Hindú, Muhammadan or Buddhist, the Court may refuse to grant letters of administration to any person if it be satisfied that such grant is unnecessary for the protection of the assets, and in such case the said Court shall make such order as to the costs of the application as it shall think just.

If no executor or next-of-kin appear or give necessary security, letters of administration to be granted to Administrator General.

Administration to effects of deceased Hindús, Muhammadans or Buddhists, not to be granted under Section 17, unless required to protect the assets.

Costs of unnecessary application.

21. The Administrator General shall, when duly authorized or required so to do by the Military Secretary to Government, secure and distribute the assets of the estate and effects of any officer, soldier, or other person subject to any Articles of War, in all cases in which such estate and effects do not exceed on the whole five hundred Rupees, charging the estate with a commission of three *per centum* only. It shall not be necessary for the Administrator General to take out letters of administration in cases referred to in this Section.

Administrator General in certain cases to secure and distribute the estate and effects of soldiers.

Proviso.

22. Nothing in this Act is intended to preclude the Administrator General from applying to the Court for letters of administration in any case, within the period of one month from the death of the deceased.

Administrator General not precluded from applying for letters of administration in any case within one month after death of deceased.

23. If any letters of administration which shall be granted to the Administrator General under the provisions of this Act, shall be revoked or recalled, the same shall, so far as regards the Administrator General and all persons acting under his authority in pursuance thereof, be deemed to have been only voidable; except as to any act done by any

After revocation, letters of administration granted to Administrator General to be deemed as to him to have been voidable only.

Exception.

such Administrator General or other person as aforesaid, after notice of a will or of any other fact which would render such letters of administration void: Provided that no notice of a will or of any other fact which would render any such letters of administration void, shall affect the Administrator General or any person acting under his authority in pursuance of such letters of administration, unless, within the period of one month from the time of giving such notice, proceedings be commenced to prove the will, or to cause the letters of administration to be revoked, nor unless such proceedings be prosecuted without unreasonable delay.

Proviso.

24. If any letters of administration which shall be granted under this Act, shall be revoked upon the production and proof of a will, all payments made or acts done by or under the authority of the Administrator General in pursuance of such letters of administration prior to the revocation thereof, which would have been valid under any letters of administration lawfully granted to him with such will annexed, shall be deemed valid, notwithstanding such revocation.

What payments made or acts done by Administrator General prior to revocation of administration upon production of a will, shall be deemed valid.

25. If an executor or next-of-kin of the deceased, who shall not have been personally served with a citation, or had notice thereof in time to appear in pursuance thereof, shall establish to the satisfaction of the Court a claim to probate of a will or to letters of administration in preference to the Administrator General, any letters of administration which shall be granted by virtue of this Act to the Administrator General, may be recalled and revoked, and probate may be granted to such executor, or letters of administration granted to such other person as aforesaid: Provided that no letters of administration, which shall be granted to the Administrator General, shall be revoked or recalled for the cause aforesaid, except in cases in which a will or codicil of the deceased shall be proved in India, unless the application for that purpose shall be made within six months after the grant to the Administrator General, and the Court shall be satisfied that there has been no unreasonable delay in making the application, or in transmitting the authority under which the application shall be made.

In what cases Court may recall administrator General's administration and grant probate, &c., to executor or next-of-kin.

Unless a will is proved, application to revoke such administration must be made within six months and without needless delay.

26. If any letters of administration, which shall be granted to the Administrator General in pursuance of this Act, shall be revoked, the Court may order the costs of obtaining such letters of administration, and the whole or any part of any commission which would otherwise have been payable under this Act, together with the costs of the Administrator General in any proceedings taken to obtain such revocation, to be paid to or retained by the Administrator General out of any assets belonging to the estate.

Costs of obtaining administration, commission, &c, may, on revocation, be ordered by Court to be paid to the Administrator General out of the assets.

27. Any payment or delivery of assets to any legatee or to any person entitled in distribution, which shall be made by an Administrator General after the expiration of one year from the grant of the letters of administration under which such payment or delivery shall be made, shall be allowed to the Administrator General as against all creditors and other claimants against the estate, of whose debts or claims he shall not have had notice before making such payment or delivery: Provided that nothing herein contained shall exempt the person to whom such payment or delivery shall be made, from any liability to refund to which he would otherwise be liable: And provided also, that no notice of any debt or claim shall affect the Administrator General, unless proceedings to enforce the debt or claim be commenced within one month after the giving of such notice, and be prosecuted without unreasonable delay.

After one year from grant of administration, distribution of assets by Administrator General to be allowed against all claims of which he had no notice.

Person receiving payments liable to refund.

What to be notice of debt or claim.

28. All letters of administration, which shall be granted to any Administrator General in virtue of his office, shall be granted to him by his name of office, and all letters of administration heretofore granted to the Ecclesiastical Registrar or Administrator General officially, or which shall be granted to any Administrator General in virtue of his office, shall authorize the Administrator General for the time being of the same Presidency to act as administrator of the estate to which such letters of administration shall relate.

Letters of administration to be granted to Administrator General in virtue of his office.

Authority given by such letters.

29. Every probate which shall be granted to any Administrator General of a will wherein he shall be named as executor by virtue of his office, shall be granted to him by his name of office, and shall authorize the Administrator General for the time being of the same Presidency to act as executor of the estate to which such probate shall relate.

Grant of probate to Administrator General named as executor by virtue of his office.

30. It shall be lawful for any private executor or administrator, with the previous consent of the Administrator General of the Presidency in which the property comprised in the probate or letters of administration is situate, by an instrument in writing under his hand, bearing a stamp of ten Rupees, and notified in the local *Gazette*, to transfer all estates, effects and interests vested in him by virtue of such probate or letters to the Administrator General by his name of office; and thereupon the transferor shall be exempt from all liability as such executor or administrator, as the case may be, for any act or omission in respect of the said property after the date of the said transfer; and the Administrator General for the time being shall have the rights and be subject to the liabilities which he would have had,

Transfer by private executor or administrator of interest under probate or letters of administration.

and to which he would have been subject, if the probate or letters of administration, as the case may be, had been granted to him by his name of office at the date aforesaid. Nothing herein contained shall be taken to exempt any such transferor from liability for acts and omissions in respect of the said property prior to the transfer.

Vesting of estates, etc., in successor of Administrator General.

31. All estates, effects and interests, which, at the time of the death, resignation or removal from office of any Administrator General, shall be vested in him by virtue of such letters of administration, probates or transfers as aforesaid, shall, upon every such death, resignation or removal, cease to be vested in him, and shall vest in his successor in office immediately upon his appointment thereto. All books, papers and documents kept by such Administrator General, by virtue of his office or as such executor or transferree as aforesaid, shall be transferred to and vested in his successor in office.

(*b*)—*Suits by and against Administrator General.*

Administrator General to sue and be sued in his representative capacity by his name of office.

Suit not to abate by death, &c.

32. All suits or other proceedings, which shall be commenced by or against any Administrator General in his representative character, may be brought by or against him by his name of office, and no suit or other proceedings already commenced, or which shall be commenced, by or against any person as Administrator General, either alone or jointly with any other person, shall abate by reason of the death, resignation or removal from office of any such Administrator General, but the same may, by order of the Court, and upon such terms as to the service of notices or otherwise as the Court may direct, be continued by or against his successor immediately upon his appointment, in the same manner as if no such death, resignation or removal had occurred: Provided that nothing hereinbefore contained shall render any such successor personally liable for any costs incurred prior to the order for continuing the suit against him.

Proviso as to costs.

Suits against Administrator General in Courts other than Presidency town High Courts.

33. If any suit shall be brought against any Administrator General in his representative character in any Court other than the High Court in the Presidency town, the plaintiff shall be liable to pay the costs of the suit and shall not be entitled to have the decree (if any) in such suit enforced, unless upon proof by affidavit or otherwise that not less than one calendar month previous to the institution of the suit, he had applied in writing to the Administrator General, stating the amount and other particulars of the claim, and supported the same by such evidence as, under the circumstances of the case, the Administrator General was reasonably entitled to require.

(*c*)—*Grant of Certificates by Administrator General.*

In what case Administrator General may grant certificate.

34. Whenever any person, not being a Hindú, Muhammadan or Buddhist shall have died, whether within any of the said Presidencies or not, and whether before or after the passing of this Act, and shall have left moveable assets within any of the said Presidencies, and the Administrator General of such Presidency shall be satisfied that such effects do not exceed in the whole five hundred Rupees in value, he may, after the lapse of one month from the death, if he shall think fit, or before the lapse of the said month, if he shall be requested so to do by writing under the hand of the widow or other person entitled to administer the effects of the deceased, grant to any person claiming to be entitled to a principal share of such effects, certificates under his hand entitling the claimant to receive the sums or securities for money therein severally mentioned, belonging to the effects of the deceased, to the value of any sum not exceeding in the whole five hundred Rupees: Provided that no certificate shall be granted under this Section where letters of administration of such effects have been granted, or in respect of any sum of money deposited in a Government Savings Bank.

No certificate to be granted in respect of money in Government Savings Bank.

Grant of certificate to creditors.

35. If in cases falling within Section 34 of this Act, no person claiming to be entitled to a principal share of the effects of the deceased, shall, within three months, obtain a certificate from the Administrator General under the same Section, or letters of administration to the estate and effects of the deceased, the Administrator General may administer the estate without letters of administration in the same manner as if such letters of administration had been granted to him; and if he shall neglect or refuse to take upon himself the administration of the estate and effects, he shall, upon the application of a creditor and upon being satisfied of his title, grant a certificate in the same manner as if such creditor were entitled to a principal share of the effects of the deceased, and such certificate shall have the same effect as a certificate granted under the provisions of the same Section, and shall be subject to all the provisions of this Act which are applicable to such certificate: Provided that the Administrator General may, before granting such certificate, if he think fit, require the creditor to give reasonable security for the due administration of the estate and effects of the deceased.

Proviso.

Administrator General not bound to grant certificate unless satisfied of claimant's title, &c.

36. The Administrator General shall not be bound to grant any such certificate, unless he shall be satisfied of the title of the claimant and of the value of the effects of the deceased, either by the oath, affidavit or solemn affirmation of the claimant (which oath, affidavit or affirmation the Administrator General is hereby authorized to administer or take), or by such other evidence as he shall require.

Certificate with receipt annexed, to be a sufficient discharge.

37. Any such certificate, with a receipt annexed under the hand of the person to whom the certificate shall be granted, shall be a full discharge for payment or delivery to him of the money, or security for money therein mentioned, to the person paying or delivering the same: but nothing in this Act shall preclude any executor or administrator of the deceased from recovering from the person receiving the same, the

Proviso.

amount remaining in his hands, after deducting the amount of all debts or other demands lawfully paid or discharged by him in due course of administration. And any creditor or claimant against the estate of the deceased shall be at liberty to recover his debt or claim out of the assets received by such person, and remaining in his hands unadministered, in the same manner and to the same extent as if such person had obtained letters of administration to the estate of the deceased.

Administrator General not bound to take out administration on account of effects, in respect of which he has granted certificate.

38. The Administrator General shall not be bound to take out letters of administration to the estate of any deceased person on account of the effects in respect of which he shall grant any such certificate; but he may do so if he shall discover any fraud or misrepresentation made to him, or that the value of the estate exceeded five hundred Rupees.

Fee for certificate.

39. For every such certificate the Administrator General shall be entitled to charge a fee calculated after the rate of three Rupees in the hundred on the amount mentioned in the certificate.

(d)—Expenses of the Administrator General's Establishment.

Administrator General to defray expenses of establishment, and all other charges not expressly provided for.

40. The Administrator General shall defray all the expenses of the establishment necessary for his office, and all other charges to which the said office shall be subject, except those for which express provision is made by this Act.

(e)—Accounts and Schedules.

Administrator General to keep a separate account for each estate, to be open to inspection on payment of fee.

41. The Administrator General of each of the said Presidencies shall enter into books, to be kept by him for that purpose, separate and distinct accounts of each estate, and of all such sums of money, bonds and other securities for money, goods, effects and things as shall come to his hands, or to the hands of any person employed by him, or in trust for him, under this Act; and likewise of all payments made by him on account of such estate, and of all debts due by or to the same, specifying the dates of such receipts and payments respectively. Such books shall be kept in the Administrator General's Office, and shall be open for the inspection of all such persons, practitioners in the said Courts and others, as may have occasion to inspect the same, at office hours, paying only such reasonable fee as hath been or shall be, from time to time, fixed by the Government and published in the official *Gazette* of the Presidency to which the same may relate.

Administrator General to furnish half-yearly schedules.

42. The Administrator General of each of the said Presidencies shall, twice in every year, that is to say on or before the first day of April and on or before the first day of October, or on such other days as the Government shall, by any rules or orders to be published as aforesaid, direct, exhibit and deliver, in open Court, a true schedule showing the gross amount of all sums of money received or paid by him on account of each estate in his charge, and the balances during the period of six months ending severally on the thirty-first day of December and thirtieth day of June next before the day of delivering such schedule, and a true list of all bonds or other securities received on account of each of the said estates during the same period; and also a true schedule of all administrations, whereof the final balances shall have been paid over to the persons entitled to the same, during the same period, specifying the amount of such balances, and the persons to whom paid. Such schedules shall be filed of record in such High Court, and shall, within fourteen days afterwards, be published in the official *Gazette* of the Presidency by the said Administrator General; and copies thereof in triplicate shall be delivered by such Administrator General to the Secretary of the said Presidency, and shall be sent by the Governor thereof to the Secretary of State for India, in order that such Secretary may, if he think fit so to do, order the same to be deposited at the India Office, for public inspection, and may cause notices to be published in the *London Gazette* and other leading newspapers, that such schedules are open to inspection there, or may make such other orders respecting the same as he may think fit.

Schedules to be filed and published.

PART IV.—*Of the Audit of the Administrator General's Accounts.*

Government to appoint auditors.

43. The Government shall, from time to time, appoint auditors to examine the accounts of the Administrator General at the times of the delivery of the said schedules, and also at any other time when the Government shall think fit.

Auditors to examine schedule, and report to Government.

44. The auditors shall examine the schedules and accounts, and report to the Government whether they contain a full and true account of every thing which ought to be inserted therein, and whether the books which, by this Act, are, or which, by any such general rules and orders as hereinafter mentioned, shall be directed to be kept by the Administrator General, have been duly and regularly kept, and whether the assets and securities have been duly kept and invested and deposited in the manner prescribed by this Act, or which shall be prescribed by any such rules and orders to be made as aforesaid.

Auditors to have power to summon witnesses and to call for books, &c.

45. Every auditor shall have power to summon as well the Administrator General as any other person whose presence he may think necessary, to attend him from time to time; and to examine the Administrator General, or other person, if he shall think fit, on oath or solemn affirmation, to be by him administered; and to call for all books, papers, vouchers and documents, which shall appear to him to be necessary for the purposes of the said reference. If the Administrator General or other person when summoned shall refuse, or, without reasonable cause, neglect to attend or to produce any book, paper, voucher or document so required, or shall attend and refuse to be sworn or make a solemn affirmation, when by law an affirmation may be substituted for

an oath, or shall refuse to be examined, the auditors shall certify such neglect or refusal in writing to the High Court at the Presidency Town; and every person so refusing or neglecting, shall thereupon be punishable in like manner as if such refusal or neglect had been in contempt of the said High Court.

Penalty for non-attendance.

46. The costs and expenses of preparing and publishing the said schedules and copies thereof, and of every such reference and examination as aforesaid, shall be defrayed by all the estates to which such schedules or accounts shall relate. Such costs and expenses, and the portion thereof to be contributed by each of the said estates, shall be ascertained and settled by the auditors, subject to the approval of the Government, and shall be paid out of the said estates accordingly by the Administrator General.

Costs of preparing schedules, &c., how to be paid.

47. If upon any such reference and examination the auditors shall see reason to believe that the said schedules do not contain a true and correct account of the matters therein contained, or which ought to be therein contained, or that the assets have not been duly kept and invested or deposited in the manner directed by this Act, or which shall be directed by any such rules and orders as aforesaid, or that the Administrator General has failed to comply with the provisions and directions of this Act, or of any such rules and orders, they shall report accordingly to the Government.

Auditors to report specially to Government, if accounts appear not correct.

48. The Government may refer every such report as last aforesaid to the consideration of the Advocate General for the Presidency, who shall thereupon, if he shall think fit, proceed summarily against the defaulter or his executor or administrator in the High Court in the Presidency town by petition for an account, or to compel obedience to this Act, or to such rules and orders as aforesaid, or otherwise as he may think fit, in respect of all or any of the estates then or formerly under the administration of such defaulter; and the said Advocate General shall have power to exhibit interrogatories to the said Administrator General, executor or Administrator (hereinafter called the defendant), who shall be bound to answer the same as fully as if a commission had been issued, under the provisions of the Code of Civil Procedure, for his examination upon the said interrogatories. The Court shall have power upon any such petition, to compel the attendance in Court of the defendant and any witnesses who may be thought necessary, and to examine them orally or otherwise as the said Court shall think fit, and to make and enforce such order or orders as the Court shall think just.

Proceedings upon such report.

49. The costs, including those of the Advocate General, and of the reference to him, if the same shall be directed by the Court to be paid, shall be defrayed either by the defendant or out of the estates rateably as the said Court shall direct; and whenever any costs shall be recovered from the defendant, the same shall be repaid to the estates by which they shall have been in the first instance contributed, and the Court may, if it shall think fit, order the defendant to receive his costs out of the said estates.

Costs of reference, &c., how to be defrayed.

PART V.—*Of the Commission of the Administrator General.*

50. The Administrator General of each of the said Presidencies, under any letters of administration which shall be granted to him in his official character, or under any probate which shall be granted to him of a will wherein he shall be named as executor by virtue of his office; or under any probates or letters of administration which are or shall be vested in him by Section 8 or Section 30 of this Act, shall be entitled to receive a commission at the following rates respectively, viz.:—

Commission to be received by Administrators General.

The Administrator General of Bengal at the rate of three *per centum*, and the Administrators General of Madras and Bombay respectively at the rate of five *per centum*, upon the amount or value of the assets which they shall respectively collect and distribute in due course of administration.

51. The last preceding Section shall not apply to cases in which the property of an officer or soldier dying on service shall come to the hands of the Administrator General of any of the said Presidencies, under the 9th or the 12th Section of the Statute called "The Regimental Debts Act, 1863;" and such Administrator General shall not be entitled to take, and it shall not be lawful for him to take, a percentage on any such property exceeding three *per centum* on the gross amount coming to his hands after the passing of the Administrator General's Act, 1865, if preferential charges as defined by the 4th Section of the said Statute have been previously paid, or on the gross amount remaining in his hands after payment by him of such charges, as the case may be.

Section 50 not to apply to property of officers and soldiers dying on service, which shall come to hands of Administrator General.

Administrator General only entitled to a commission of three per cent. on gross amount of such property.

52. The Administrator General shall be entitled to reimburse himself for any payments made by him in respect of any estate in his charge, which a private administrator of such estate might have lawfully made; but save as aforesaid the commission to which the Administrator General of each of the said three Presidencies shall be entitled, is intended to cover, not merely the expenses and trouble of collecting the assets, but also his trouble and responsibility in distributing them in due course of administration. It is therefore enacted that one-half of such commission shall be payable to and retained by such Administrator General upon the collection of the assets, and the other half thereof shall be payable to the Administrator General who shall distribute any assets in the due course of administration, and may be retained by him upon such distribution. The amount of the commission lawfully retained by an Administrator General upon the distribution of

What expenses, &c., commission is to cover.

How payable.

Commission retained to be deemed a distribution.

assets, shall be deemed a distribution in the due course of administration within the meaning of this Act.

Commission of the Administrators General of Madras and Bombay may be reduced and again raised.

53. The Governments of the Presidencies of Fort St. George and Bombay respectively, may, with the sanction of the Governor General of India in Council, from time to time, order the aforesaid rate of commission hereby authorized to be received by the Administrators General of Madras and Bombay respectively to be reduced and again to be raised: Provided that the commission so to be received shall not at any time exceed five *per centum* of the assets collected, and that no person now holding the office of Administrator General of Madras or Bombay shall, by any such order, be deprived of the right to receive and retain, for his own use, a commission at the rate of three *per centum* in respect of all assets collected and actually administered by him.

Proviso.

Commission or agency not to be charged by executor or administrator other than the Administrator General.

54. No person other than the Administrator General acting officially, shall receive or retain any commission or agency charges for anything done as executor or administrator under any probate or letters of administration, of letters *ad colligenda bona*, which have been or shall be granted by the Supreme Court or High Court of Judicature at Fort William in Bengal since the passing of Act No. VII of 1849, or by either or the Supreme or High Courts of Judicature at Madras and Bombay since the passing of Act No. II of 1850, or which shall hereafter be granted by either of the same High Courts; but this enactment shall not prevent any executor or other person from having the benefit of any legacy bequeathed to him in his character of executor, or by way of commission or otherwise.

Bequest in favour of executors not affected.

PART VI.—*Miscellaneous.*

Government may make and alter rules and orders consistent with this Act—

For custody of assets.

For remittance of money.

55. The Government shall have power, from time to time, to make and alter any general rules and orders consistent with the provisions of this Act, for the safe custody of the assets and securities which shall come to the hands or possession of the Administrator General, and for the remittance to the India Office of all sums of money which shall be payable or belong to persons resident in Europe, or in other cases where such remittances shall be required, and generally for the guidance and government of the Administrator General in the discharge of his duties; and may, by such rules and orders, amongst other things, direct what books, accounts and statements, in addition to those mentioned in this Act, shall be kept by the Administrator General, and in what form the same shall be kept and what entries the same shall contain, and where the same shall be kept, and where and how the assets and securities belonging to the estates to be administered by such Administrator General shall be kept and invested or deposited pending the administration thereof, and how and at what rate or rates of exchange any remittances thereof shall be made. Unless any such rules shall be made and published, the rules now in force in each of the said Presidencies so far as the same are not inconsistent with this Act, shall be of the same force and effect as if the same had been made and published under this Act.

For guidance of Administrator General.

Proviso as to rules now in force.

Publication of orders, &c.

56. Such orders shall be published in the official *Gazettes* of the several Presidencies, and it shall be the duty of the several Administrators General to obey and fulfil the same, and the same shall be a full authority and indemnity for all persons acting in pursuance thereof.

Orders of the Court to have same effect, and to be executed in same manner as a decree.

57. Any order which shall be made under this Act by any Court shall have the same effect and be executed in the same manner as a decree.

Penalty for false evidence.

58. Every person who, having been sworn, or having taken a solemn affirmation under this Act, shall wilfully give false testimony upon any examination authorized by this Act, shall be deemed guilty of the offence of giving false evidence in a judicial proceeding, and, if convicted, shall be liable to be punished accordingly.

The proceeds of estates unclaimed for 15 years to be transferred to Government.

59. The net proceeds of all estates in the official charge of the Administrator General of any of the said Presidencies and which now appear, or shall hereafter appear, from the official books and accounts of the Ecclesiastical Registrar and of the Administrator General of any of those Presidencies, or from the official books and accounts of any of those officers, to have been in official custody for a period of fifteen years or upwards without any claim thereto having been made and allowed, shall be transferred and paid to the Accountant General of Bengal, Madras, or Bombay, as the case may be, and be carried to the account and credit of the Government of India for the general purposes of Government; and the receipt of the said Accountant General shall be a full indemnity and discharge to the said Administrator General for any such payment or transfer: Provided that this Act shall not authorize any transfer or payment of any such proceeds as aforesaid, pending any suit already instituted or which shall be hereafter instituted in respect thereof.

Proviso.

Mode of proceeding by claimant to recover principal money so transferred.

60. If any claim shall be hereafter made to any part of the securities, monies or proceeds which shall be carried to the account or credit of the Government of India under the provisions of this Act, and if such claim shall be established to the satisfaction of the Accountant General to the Government of Bengal, Fort St. George or Bombay, as the case may be, the Government of India shall pay to the claimant the amount of the principal so carried to the credit and account of the said Government of India, or

so much thereof as shall appear to be due to the claimant. If the claim shall not be established to the satisfaction of the said Accountant General, the claimant may apply by petition to the High Court at the Presidency Town against the Government of India, and after taking evidence, either orally or on affidavit, in a summary way, as the said Court shall think fit, the said Court shall make such order on the petition for the payment of such portion of the said principal sum as justice shall require, and such order shall be binding on all parties to the suit.

District Judge in certain cases to take charge of property of deceased persons, and to report to Administrator General.

61. Whenever any person other than a Hindú, Muhammadan or Buddhist shall die leaving assets within the limits of the jurisdiction of a District Judge, and no will shall be found among the effects of the deceased, it shall be the duty of the District Judge to report the circumstance without delay to the Administrator General of the Presidency, retaining the property under his charge, or appointing an Officer under the provisions of the Indian Succession Act, 1865, Section 239, to take and keep possession of the same, until letters of administration shall have been obtained by the Administrator General or by some other person, when the property shall be delivered over to the person obtaining such letters of administration, or, in the event of a will being discovered, to the person who may obtain probate of the will.

Act not to require administration of estates of soldiers, unless Administrator General authorized by Military Secretary.

62. Nothing in this Act is intended to require the Administrator General to take proceedings to obtain letters of administration to the estates or effects of any officer or soldier or other person subject to any Articles of War, unless when the Administrator General shall be duly authorized or required so to do by the Military Secretary to Government; nor is anything in this Act contained intended to interfere with or alter the provisions of any Act of Parliament for regulating the payment of regimental debts, and the distribution of the effects of officers and soldiers dying in the service of Her Majesty in India, or of any Articles of War.

Indian Succession Act and Indian Companies' Act not to affect Administrator General

63. Nothing contained in the Indian Succession Act, 1865, or the Indian Companies' Act, 1866, shall be deemed or taken to supersede or affect the rights, duties and privileges of the Administrators General and Officiating Administrators General of Bengal, Madras and Bombay, respectively.

SCHEDULE.

Number of Act.	Title of Act.	Extent of Repeal.
VIII of 1855 ...	An Act to amend the law relating to the office and duties of Administrator General.	The whole Act.
XXVI of 1855 ...	An Act to facilitate the payment of small deposits in Government Savings Banks to the representatives of the deceased depositors.	Section 4.
XXVI of 1860 ...	An Act to amend Act VIII of 1855 relating to the office and duties of Administrator General.	The whole Act.
IV of 1865 ...	An Act to exempt the estates of deceased officers and soldiers delivered over to the Administrator General of Bengal, Madras or Bombay, from the operation of the 26th Section of Act No. VIII of 1855.	The whole Act.
X of 1865 ...	The Indian Succession Act, 1865 ...	Section 330.
XXV of 1866 ...	An Act to transfer to the Government of India certain securities and monies deposited in the High Courts of Judicature at Fort William, Madras and Bombay, and in the Supreme Court of the Straits' Settlement, and the proceeds of certain estates in the charge of the Administrator General of Bengal.	So much of the Act as relates to the Administrator General of Bengal.

STATEMENT OF OBJECTS AND REASONS.

The passing of the Indian Succession Act, 1865, and the establishment of a High Court in the North-Western Provinces with original testamentary and intestate jurisdiction, have had serious effects on the office of the Administrator General. Until lately, for instance, whenever a British subject died leaving assets, not only within the jurisdiction of the High Court at Fort William, but in the Punjab, Oudh or the Central Provinces, and the executor or next-of-kin has not acted, the estate has been dealt with by the Administrator General of Bengal. When the assets were out of the jurisdiction, the local judicial authorities sold the property and remitted the proceeds to his office in Calcutta, thus enabling him to administer. The fact of the High Court at Fort William being the only Court in the Bengal Presidency and the Non-Regulation Provinces subordinate thereto, which had testamentary and intestate jurisdiction, greatly increased the number of estates which came into his office.

Under the Indian Succession Act all District Courts possess testamentary and intestate jurisdiction, and executors or next-of-kin, being able to obtain probate or administration on the spot, are adopting and will doubtless generally adopt that course instead of resorting to the Administrators General. This is causing those Officers a serious loss of income, and the loss is likely to become greater. It is true that the Succession Act reserves the rights and privileges of the Administrators General; but at the same time the provisions of that Act diminish the value of those rights and privileges.

The office of Administrator General is of much utility, not only for protecting and winding up estates when the parties entitled are at a distance, but also for administering insolvent and complicated estates when relatives and agency houses would decline to act. Moreover, it has been and ought to be a source of considerable revenue to Government as a medium for collecting the assets of escheated estates, and of estates which are paid over as unclaimed for fifteen years.

Under these circumstances the present Bill proposes to replace, practically, the Administrators General in the position which they occupied before and at the passing of the Succession Act, and to declare that, so far as regards those Officers, the High Courts at the Presidency Towns shall be deemed to be Courts of competent jurisdiction within the meaning of Sections 187 and 190 of that Act, wheresoever within the Presidency the property to be comprised in the probate or letters of administration may be situate. The effect of this provision, taken with the definition of 'Presidency of Bengal' contained in Section 2 of the Bill, will be that the High Court at Fort William may grant to the Administrator General of Bengal letters of administration in respect of assets situate in Bengal, the North-Western Provinces, the Punjab, Oudh, the Central Provinces and British Burmah, and that such letters will authorize him to collect assets throughout the whole of these territories. In the same way, letters of administration granted by the High Court of Madras to the Administrator General of Madras, will authorize him to collect assets throughout the Presidency of Fort St. George, and (in the case of British subjects) Mysore, Coorg and the Hyderabad Assigned Districts. Letters of administration granted to the Administrator General of Bombay, will have a similar effect as regards assets in that Presidency.

The opportunity has been taken of repealing and re-enacting, with certain desirable amendments in wording, arrangement and substance, the six Acts and parts of Acts in which the law relating to the Administrator General is now comprised. The following are the chief amendments here referred to:—

The Administrator General's authority under Act VIII of 1855, Section 11, extends to the estates of all 'British subjects' leaving assets within the Presidency; but as to persons not being Muhammadans, Hindús or 'British subjects,' he cannot interfere unless they leave assets within the local limits of the ordinary original civil jurisdiction of the High Court; the reason being that over the latter class the ecclesiastical jurisdiction of the late Supreme Courts did not extend unless there were assets within the local limits. The present Bill (Sections 16 and 34) proposes to extend the Administrator General's authority to the estates of all persons, not being Hindús, Muhammadans or Buddhists, who die leaving assets exceeding five hundred Rupees within the Presidency. His authority will thus be co-extensive with the jurisdiction conferred by the Succession Act on the District Courts.

Provision has been made (Section 29) for the grant of probate of wills in which the Administrator General shall be named as executor by virtue of his office; and Section 30 has been introduced to enable a legal representative to divest himself of his office and be replaced by the Administrator General, if he will consent to act: this will meet the requirements of legal representatives who may be obliged to leave India before the completion of their duties, or who have found those duties irk-some.

The Administrator General may now be sued in any District Court within the jurisdiction of which the deceased used to reside or may have entered into a contract, and the Administrator General cannot institute an administration suit, and thus stay the proceedings of the plaintiff. With a view to confining suits against the Administrator General to the High Courts, and of thus relieving the estates in his charge from the expense to which they are needlessly subject under the present system, the Bill provides (Section 33) that if any suit shall be brought against that Officer in any Court other than the High Court in the Presidency Town, the plaintiff shall be liable to pay the costs of the suit, and shall not be entitled to have the decree enforced, unless he has applied to the Administrator General, stating the amount of the claim and supporting it by such evidence as, under the circumstances of the case, the Administrator General was reasonably entitled to require.

The Bill proposes (Section 34) to empower the Administrator General to grant certificates in cases where letters of administration of the effects of the deceased have not been taken out for *one* month after his death. The restriction imposed by Act VIII of 1855, Section 43, of waiting *three* months after the death, tends to destroy the benefit of the provision.

H. S. MAINE.

SIMLA,
The 22nd October 1866.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

HOME DEPARTMENT.

NOTIFICATIONS.

Simla, the 31st October 1866.

No. 6001.

The following statement of the number of furloughs available in the season 1866-67 for the members of the Bengal Civil Service is published for general information :—

Number of servants absent on furlough on this date	53
Deduct Lapses by expiry and death	11
	42
Furloughs available	14
Total (being 10 per cent. of the whole number of Civil Servants on the Bengal Establishment)	56

1. Richard Gwatkin Melvill ... ... } For three years.
2. Daniel James McNeile ... ... }
3. James Simson ... ... }
4. Alexander John Lawrence ... ... } For two years.
5. William Charles Turner ... ... }
6. Edward Stanley Robertson ... ... }
7. Henry Anthony Harrison ... ... }
8. Edward Waterfield ... ... For one and a half year.
9. Nathaniel Stuart Alexander ... ... For one year.

Furloughs have been allotted to nine applicants as per margin.

Names of Furlough holders.	*Date of expiry.*
1. Richard Henry Clifford	10th December 1866.
2. Auckland Colvin	4th March 1867.
3. Andrew Chad. Barnard	10th " "
4. William John Rivett-Carnac	11th " "
5. Alexander Wood Russell	4th April "
6. Archdale Villiers Palmer	13th " "
7. Frederick Russell Hogg	14th " "
8. Charles Grant	14th " "
9. David Simson	23rd May "
10. William Blunt	16th June "
11 George Henry Maxwell Batten	24th July "
12. Archibald Adam Swinton	10th October "

Five furloughs remain unassigned and twelve more will lapse between the 1st proximo and the 31st October next, as noted in the margin.

E. C. BAYLEY,

Secy. to the Govt. of India.

The 30th October 1866.

No. 5932.

Lieutenant W. Hamilton, Assistant Commissioner, and Mr. A. R. Hutton, Extra Assistant Commissioner, Seetapore, in Oude, are empowered, under Section 38 of the Code of Criminal Procedure, to hold the preliminary inquiry and commit cases to the Sessions Court.

The 31st October 1866.

No. 6015.

The Governor General in Council is pleased to permit Sir C. J. Wingfield, K. C. S. I. and C. B., to resign the Civil Service, with effect from the 14th of May last.

Fort William, the 6th November 1866.

No. 469.

The services of the Reverend A. O. Hardy, Junior Chaplain, are placed at the disposal of the Government of Bengal, for employment in Calcutta as Officiating Chaplain of St. Paul's.

No. 472.

Mr. W. DeCourcy Ireland, Assistant Commissioner, 2nd Grade, British Burmah, is invested with the powers of a Magistrate under Section 22 of Act XXV of 1861.

J. P. WHEELER,

For Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Simla, the 31st October 1866.

JUDICIAL.

No. 370.

With the consent of the Rao of Serohi, His Excellency the Viceroy and Governor General in Council is pleased to extend the following Acts to Aboo and Anadra, viz.:—

The Penal Code (Act XLV of 1860).
The Criminal Procedure Code (Act XXV of 1861).
The Civil Code (Act VIII of 1859).
The Whipping Act (VI of 1864).
The Stamp Act (X of 1862).
The Act for Limitation of Suits (XIV of 1859).

His Excellency in Council is also pleased to declare that all appeals from the decisions of the Political Superintendent of Serohi and Magistrate of Aboo in Civil and Criminal matters, as well as all original cases beyond the powers of the Political Superintendent, shall be heard and determined by the Governor General's Agent for the States of Rajpootana.

MILITARY.

No. 185.

Leave.—Privilege leave for 31 days is granted to Lieutenant W. E. Gowan, Doing-duty Officer, Bhopal Battalion.

No. 187.

Privilege leave for 31 days is granted to Major H. Forbes, Commanding Bhopal Battalion.

POLITICAL.

No. 1127.

Erratum.—In G. O. No. 965, dated 25th September, for "Mr. Davies," read "Mr. Davis."

The 30th October 1866.

GENERAL.

No. 1665.

Mr. W. C. Capper, Deputy Commissioner and Settlement Officer of Lucknow, reported his return to India on the 10th instant from the leave granted to him in G. O. No. 1650, dated 10th August 1865.

The unexpired portion of his leave is cancelled.

No. 1667.

Promotion.—The following promotions in the British Burmah Commission are sanctioned by the Governor General in Council:—

Moung Htoon	to be Extra Asst. Commr.,	2nd Class, 1st Grade
Moung Shwé Tan	ditto,	2nd ditto, 2nd ditto.
Moung Shwé Boo	ditto,	3rd ditto, 1st ditto
Moung Phu Phroo	ditto,	3rd ditto, 2nd ditto.
Moung Nga Hto Shwe	ditto,	3rd ditto, 3rd ditto.
Moung Htoon Oo	ditto,	3rd ditto, 4th ditto.

No. 1669.

Appointment.—Moung Doon to be an Extra Assistant Commissioner, 3rd Class, 1st Grade, in British Burmah, vice Moung Shwé Hlaing.

The 31st October 1866.

No. 1682.

The Deputy Commissioners of the four districts of Berar specified in the margin, and the Assistant Commissioner at Ellichpoor, are appointed to be Marriage Registrars, under Act V of 1852, within the Hyderabad Assigned Districts.

Oomrawuttee.
Akolah.
Mehkur.
Woon.

No. 1684.

The under-mentioned Officers in Oude have passed the prescribed departmental examination:—

For the Higher Standard.

Lieutenant C. S. Noble, Officiating Assistant Commissioner.
Mr. M. L. Ferrar, C. S., Assistant Commissioner.
Captain J. Low, Assistant Commissioner.
Mr. J. M. C. Stembelt, C. S, Assistant Commissioner.
Lieutenant H. W. Hastings, Assistant Commissioner.
Dabee Dyal, Tehsildar.
Syud Wuzeer Hoosein, Extra Assistant Commissioner.
Hurdial, Tehsildar.

For the Lower Standard.

Mr. W. Blemerhassett, Assistant Commissioner, with great credit.
Lieutenant W. Hamilton, Assistant Commissioner.
Mr. A. R. Hutton, Extra Assistant Commissioner.
Pundit Beshumbernath, Peshkar.
Pundit Kishn Narain, Moonserim.
Shah Abdool Hoosein, Tehsildar.
Khizar Mahomed Khan, Tehsildar.
Nawab Hamid Hoosein, Tehsildar.
Nizamoodeen, Tehsildar.
Sheodial, Tehsildar.

No. 1686.

Privilege leave for two months is granted to Mr. J. W. Tawney, Assistant Commissioner, Nursingpore, Central Provinces.

No. 1688.

Leave of absence for six weeks on medical certificate is granted to Mr. J. G. Cordery, Deputy Commissioner of Akolah, Hyderabad Assigned Districts.

Captain J. L. Bushby, Assistant Commissioner, 1st Class, will officiate for Mr. Cordery, and will exercise the powers given under Act XV of 1862 until further orders.

No. 1714.

Leave.—The leave of absence on medical certificate granted to Captain C. C. Taylor, Assistant to the Resident at Nipaul, in General Order No. 2149, dated 7th November 1865, is extended to a further period of three months.

W. MUIR,
Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

NOTIFICATIONS.

Simla, the 29th October 1866.

No. 3031.

Read the following Despatch from the Right Hon'ble the Secretary of State for India:—

FINANCIAL. INDIA OFFICE;
No. 174. *London, the 31st July* 1866.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—I have considered in Council your Financial letter dated the 7th March last, No. 62, requesting, with reference to the Financial Despatch dated the 23rd December last, No. 290, to be furnished with further instructions as to the conditions under which Native Judges are to be admitted to pensions, both as regards present incumbents and Officers who may be appointed hereafter.

2. In regard to certain present incumbents, you observe that they entered the service in the belief that they would be entitled to pensions under the old rules, viz., to a pension equal to one-third salary after 15 years' service, and equal to one-half after 22 years' service, when certified to be unfit for further duty.

3. It was not understood that the exceptional advantages granted by the old Uncovenanted Service Pension Rules to "Native Judges" extended to Native Judicial Officers of other grades.

4. So far as relates to any Native Judges now in the service, who can be considered entitled to benefits granted by the old rules to Officers of that class, I am willing that they shall still be considered eligible to the pensions allowed by those rules; but with reference to all future appointments, I see no ground for making a distinction etwe en Native Judges and the general body of Uncovenanted Servants, for whom the new rules make liberal provision.

5. You will communicate this decision to the Governments of Madras and Bombay.

I have, &c.,
(Signed) CRANBORNE.

Ordered, that a copy of the Despatch be published in the *Gazette of India* for general information.

Also, that a copy be furnished separately to the Home and Foreign Departments, the various Local Governments and Administrations, the Comptroller General of Accounts, and the Local Officers of Account in the Civil Department.

The 2nd November 1866.

No. 3193.

From R P HARRISON, ESQ., Comptroller General of Accounts, to the Secretary to the Government of India, Financial Department,—No. 739, dated 12th October 1866.

Revised Monthly Statement of Accounts that have been received under New System up to 31st August 1866.

ACCOUNTING OFFICES.	For 1865-66, up to what month.	For 1866-67, up to what month
Accountant General, Madras	March 1866	June 1866.
Ditto, Punjab	Ditto 1866.	Ditto 1866
Ditto, British Burmah ..	Ditto 1866	Ditto 1866.
Ditto, Bengal ..	Ditto 1866	May 1866
Deputy Accountant General, Central Provinces	Ditto 1866.	Ditto 1866
Accountant General, Bombay ..	Ditto 1866	Ditto 1866.
Treasury and Departmental Accounts Branch (India) .	Ditto 1866.	
Treasury and Departmental Accounts Branch (Eastern Settlements)	Ditto 1866.	
Deputy Accountant General, Hyderabad	Ditto 1866.	
Accountant General, N W. Provinces (for Oude)	Ditto 1866.	
Public Works Department	Ditto 1866.	
Treasury and Departmental Accounts Branch (Postal Department) ...	Ditto 1866.	
Accountant General, N. W Provinces (for N W. Provinces) ...	Ditto 1866	
Military Department	Ditto 1866.	
Treasury and Departmental Accounts Branch (Telegraph Department)	Ditto 1866	

NOTE.—The accounts for April 1866 not due

Forwarded for information to the Financial Department, to the Accountants General and the Deputy Accountants General, in independent charge, Civil Department, the Controller General of Military Expenditure, and the Accountant General, Public Works Department.

Ordered, that the above be published in the *Gazette of India*.

No. 3209.

The following rule, which is applicable to Officers in the Civil and Political Departments, is published by order of the Governor General of India in Council:—

An order which grants leave of absence to a public Officer without specifying the date from which the leave is to commence, will be current for one month from the date of its receipt by the Officer concerned.

E. H. LUSHINGTON,
Secy. to the Govt. of India.

Fort William, the 6th November 1866.

No. 1875.

Mr. H. D. Sandeman received charge of his Office of Accountant General, Bengal, from Mr. W. Clark, on the forenoon of the 2nd instant.

R. P. HARRISON,
Comptroller General of Accounts,
for the Financial Secretary.

MILITARY DEPARTMENT.

Simla, the 31st October 1866.

No. 915 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following appointment:—

PUNJAB FRONTIER FORCE.

2nd Sikh Infantry.

Lieutenant W. M. Story, of the General List, Infantry, 1st Wing Subaltern, 43rd (Assam) Regiment of Native Infantry, to be 1st Wing Subaltern.

No. 916 *of* 1866.—The following order, issued by the Resident at Hyderabad, is confirmed:—

No. 163 *of the* 12*th October* 1866.—Granting permission, at the recommendation of a Medical Board, to Captain R. K. Macquoid, 2nd in Command, 5th Infantry, Hyderabad Contingent, to proceed to Bombay preparatory to obtaining a final medical certificate to Europe, and directing, on the departure of Captain Macquoid, Lieutenant H. F. H. Sewell, Adjutant, 5th Infantry, Hyderabad Contingent, to officiate as 2nd in Command of the Corps, in addition to his other duties, during Captain Macquoid's absence, or until further orders.

No. 917 *of* 1866.—The services of Lieutenant M. O. Boyd, of the General List, Infantry, 2nd Wing Subaltern, 6th Regiment of Native Infantry, are placed at the disposal of the Government of Bengal.

No. 918 *of* 1866.—The following order, issued by the Resident at Hyderabad, is confirmed:—

No. 165 *of the* 17*th October* 1866.—Directing Lieutenant R. J. McGhee, Officiating Adjutant, 2nd Infantry, Hyderabad Contingent, to join his appointment as Paid Wing Subaltern of the 5th Infantry, Hyderabad Contingent, and on arrival to officiate, in addition, as Adjutant in the room of Lieutenant Sewell, appointed to act as 2nd in Command of the Corps.

No. 919 *of* 1866.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs:—

Surgeon William Burns Beatson, M. D., of the Medical Department, Civil Surgeon, Dacca.	For 6 months, under the new Regulations.

H. K. BURNE, *Lieut. Colonel,*
Offg. Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 29th October 1866.

ESTABLISHMENT.

No. 280.

Major A. Cadell, R. E., Superintending Engineer, 2nd Class, 2nd Grade, Punjab, is promoted to the 1st Grade of that Class to fill a vacancy, with effect from 1st October 1866.

No. 281.

Mr. R. Hunter is appointed to the Public Works Department as an Engineer Apprentice and posted to Coorg.

The 30th October 1866.

No. 282.

Major F. Tyrrell, Madras Staff Corps, Executive Engineer, 2nd Grade, Oudh, is permitted, at his own request, to resign his appointment in the Public Works Department, and his services are accordingly re-placed at the disposal of the Madras Government.

No. 283.

T. Chuckrapany Pillay, Accountant, 4th Grade, on probation, Mysore, is removed from the Public Works Department, with effect from the date he was relieved of his duties.

No. 284.

Mr T. H. Boyton is appointed to the Public Works Department as an Accountant of the 4th Grade, on probation, and posted to Mysore.

No. 285.

Mr. E. W. Godfrey is appointed to the Public Works Department as an Overseer of the 2nd Grade and posted to Coorg.

The 1st November 1866.

No. 286.

Mr. C. V. S. Cotton is appointed to the Public Works Department as an Engineer Apprentice and posted to the Punjab.

No. 287.

A. Ram Row, B. C. E., Engineer Apprentice Mysore, has been permitted at his own request to resign his appointment in the Public Works Department.

No. 288.

Mr. D. Turner, Public Works Department, Oudh, is promoted from 3rd to 2nd Grade Assistant Engineer, with effect from the 20th October 1866.

No. 289.

Mr. D. Scott, Civil Divisional Engineer, Khyrabad Division of Local Works, Oudh, is re-trans-

ferred from the Local Works to the Imperial Establishment in the rank of Executive Engineer, 4th Grade, and posted to the charge of the Seetapoor Division, with effect from the 18th October 1866.

The 2nd November 1866.

No. 290.

Sergeant D. Shaw, of the Madras Sappers and Miners, is appointed an Overseer of the 1st grade, and posted to Hyderabad, with effect from the 10th September 1866.

The 3rd November 1866.

No. 291.

Lieutenant R. F. Angelo, Executive Engineer, 4th Grade, Central Provinces, is permitted, at his own request, to resign his appointment in the Public Works Department.

No. 292.

Lieutenant A. T. Fraser, Executive Engineer, 4th Grade, is transferred from Hyderabad to the Central Provinces.

No. 293.

The unexpired portion of the six months' leave of absence, on medical certificate, granted to Mr. J. Broderick, Accountant, 3rd grade, in Notification No. 238 of the 7th September 1866, is cancelled from the date on which he may take up his duties in Bengal.

REVENUE—FORESTS.

The 1st November 1866.

No. 33 F.

The following amendment of Rule X of the Forest Rules for the Central Provinces, published in Notification No. 16 F of the 22nd August 1865, having been made by the Local Government under Section 3 of the "Government Forests' Act," is hereby confirmed by the Governor General of India in Council:—the amendment consisting of the addition of "Kuttung bamboo" to the list of trees, the felling of which, without special permission, is prohibited.

No. 34 F.

The following order has been issued by the Government of Madras in the Military Department:—

No. 349.

Fort St. George, 18th September 1866.

"The under-mentioned Officers are permitted to proceed to Europe:—

"Major A. Hunter, Staff Corps, Conservator of Forests in Mysore, on medical certificate for twenty months, under the Furlough Regulations of 1854, and to embark from Madras."

* * * * *

C. H. DICKENS, *Lieut. Col.*, R. A.,
Secy. to the Govt. of India.

Revenue Survey Department.

Calcutta, the 29th October 1866.

No. 3.

One month's privilege leave of absence, under Financial Department Order No. 93, dated 6th May 1865, is granted to Mr. J. Pemberton, Sub-Assistant Revenue Surveyor, 3rd Division, Central Provinces, from the date on which his services can be spared.

The 1st November 1866.

No. 4.

The privilege leave of absence for one month, granted in Notification No. 1, dated 5th ultimo, to Mr. T. Martin, Sub-Assistant Revenue Surveyor, 3rd Class, attached to the 2nd Division of Oudh, is cancelled at his own request.

APPOINTMENT.

The 6th November 1866.

No. 5.

Mr. George Jarbo, Apprentice, Surveyor General's Office, to be a Sub-Assistant of the 4th Class, with effect from the 1st instant.

J. E. GASTRELL, *Lieut. Colonel,*
Offg. Depy. Surveyor Genl. of India.

NOTICE.

Whereas it appears to the Chief Commissioner of Oudh that land is required to be taken up by Government at the public expense for a public purpose, viz., for building a School House, it is hereby notified that land to the extent noted below is required for the said purpose.

This declaration is made under Section 2, Act VI of 1857:—

District.	Village.	Quantity of land required.		
		R.	P.	Yds.
Fyzabad ...	Adjoodhia ...	1	35	12½

A. M. LANG, *Captain,* R. E.,
Asst. Secy. to Chief Commr.,
D. P. W., Oudh.

LUCKNOW,
The 26th October 1866.

Statement of Silver Balance in the Mint.

Balance of Bullion under assay, or remaining to be assayed, on the morning of the 3rd October 1866...	58,265
29th October tendered	81,807
	1,40,072
Certificates issued	...
Balance	1,40,072
30th October tendered	79,638
	2,19,710
Certificates issued	...
Balance	2,19,710
31st October tendered	32,485
	2,52,195
Certificates issued	...
Balance	2,52,195
1st November tendered	16,615
	2,68,810
Certificates issued	50,564
Balance	2,18,246
2nd November tendered	8,34,280
	10,52,526
Certificates issued	...
Balance	10,52,526
3rd November tendered	3,98,892
	14,51,418
Certificates issued	53,236
Balance	13,98,182
Deduct difference in value between Tender and Certificates ...	1,555
Balance of Bullion under assay, or remaining to be assayed ...	13,96,627
	72,66,517
Note.—Value of Silver remaining for coinage at end of week, and appertaining to the Mint Balance not assayed	13,96,627
	86,63,144
Deduct value of Silver appertaining to the Currency Department ...	73,42,878
Total ...	13,20,266

CALCUTTA MINT,
The 5th November 1866.

J. A. BALLARD,
Offg. Mint Master.

ADVERTISEMENTS.

THE GAZETTE OF INDIA.

In consequence of the return of the Viceroy and Members of the Government of India to the Presidency, the *Gazette of India* will, on and after the 3rd November, be published in Calcutta. All communications, therefore, regarding the *Gazette*, should be addressed to the Office of the Superintendent of Government Printing, Military Orphan Press.

NOTICE.

BANK OF BENGAL.

Calcutta, 1st November 1866.

Intimation is hereby given of the following appointments, viz. :—

Mr. John Gordon, Acting Chief Accountant and Deputy Secretary, will assume charge of the Rangoon Agency, in room of Mr. Donald Kennedy, the Acting Agent, who has obtained leave of absence.

Mr. A. M. Ross, Agent at Lucknow, has been appointed Agent at Lahore Branch.

Mr. Duncan Macdonald, Agent at Allahabad, has been appointed Agent at Lucknow Branch.

Mr. Frank A. Gillam, Assistant to Chief Accountant, has been appointed Agent at Allahabad Branch.

Mr. Thomas Smith, Accountant, Nagpore Branch, to be Acting Agent at Hingunghaut.

Mr. Thomas Dyson has resumed charge of the Agra Branch.

Mr. Alexander Smith, Acting Agent, Agra, has been appointed Agent at Delhi Branch.

Mr. George McKilligin will sign as Interim-Agent at Patna, during the temporary absence of Mr. W. F. Fraser.

By order of the Directors,

GEO. DICKSON,
Secretary and Treasurer.

NOTICE.

DESTROYED BY WHITE ANTS.

The under-mentioned 4 per cent. Government Promissory Notes, standing in the name of Hur Gobind Mullick, the proprietor, by whom they were never endorsed to any other person. Intimation of destruction of the Notes has been given to the Bank of Bengal and Comptroller General of Accounts for the issue of duplicate Notes :—

No. 9197 of 5075 of 1842-43, dated 1st February 1843, at 4 per cent., for Rs. 2,000.

No. 10318 of 1835-36, dated 31st March 1836, at 4 per cent., for Rs. 500.

No. 11873 of 14979 of 1835-36, dated 31st March 1836, at 4 per cent., for Rs. 1,000.

HUR GOBIND MULLICK,
Govt. Pensioner.

JUGGUDDAL,
The 5th November 1866.

NOTICE.

Whereas Mr. Thomas Menzies has failed to pay the second instalments of purchase money for Waste Land Allotments Nos. 8 and 9, which were purchased by him at auction on the 10th January 1865, Notice is hereby given that this failure to pay has rendered the said allotments liable to re-sale for realization of the arrears under the 14th Rule for the sale of Waste Lands in Oudh.

A detail of the amount which Mr. Thomas Menzies has failed to pay is given below:—

Allotment No. 8.

	Rs.	As.	P.
Second instalment of purchase money due on the 2nd February 1866...	1,282	8	6
Interest to same date	1,154	4	4
Total ...	2,436	12	10

Allotment No. 9.

Second instalment of purchase money due on the 4th February 1866 ...	1,284	13	4
Interest to same date	1,156	4	0
Total ...	2,441	1	4
Grand Total ...	4,877	14	2

H. J. SPARKS,
Offg. Depy. Commissioner.

MOHUMDEE,
DEPY. COMMR.'S OFFICE;
The 30*th October* 1866.

NOTICE.

A pucka house known as "Crommelin Sahib ki kothe," situated in the Civil Station of Goruckpore, believed to belong to Mr. Crommelin, who is supposed to have deceased, is under the charge of this Court. Any person having a title to the same is requested to prefer his claim within one year to the undersigned.

GORUCKPORE,
The 10*th October* 1866.

W. G. PROBYN,
Officiating Judge.

NOTICE.

A New Edition of the Map of DISTRICT NUDDEAH, showing Village boundaries, Scale 1 Mile equal to 1 Inch, in 8 Sections, with a small Index, is now ready for issue.

Applications for the Maps *bonâ fide* on the Public Service, to be addressed to the Registrar, Surveyor General's Office, Calcutta.

For private use, on payment, the Map can be obtained from all Booksellers and the "School Book Society," Calcutta, at the following rates:—

		Rs.	A.	P.
Uncolored and Unmounted.	On *thick paper*, the Map complete in 8 Sections with Index...	8	0	0
	Or each Section separate ...	2	0	0
	On *thin paper*, the Map complete in 8 Sections with Index..	6	0	0
	Or each Section separate ...	1	8	0

N. B.—Parties requiring the Map Colored and Mounted must pay extra for the same.

J. E. GASTRELL, *Lieut. Colonel,*
Offg. Deputy Surveyor Genl. of India.

CURRENCY NOTES LOST OR STOLEN.

Extract from Financial Department Notification No. 1004 *A, dated Simla,* 30*th July* 1866.

Para. 9.—"The person making the statement respecting a lost or destroyed note, or portion of note, will be required to advertise its loss (free of charge) *thrice* at least in the *Official Gazette* of the Presidency or place where or within which the note is payable, and *once* in the *Gazette of India.*"

LOST.

Halves of the following Currency Notes, intimation of loss given to the Currency Office, Calcutta:—

Nos. $\frac{A}{18}$23134, $\frac{A}{18}$23435, $\frac{A}{18}$23436, for Rs. 10 each.

First half of the following Currency Note, intimation of loss given to the Currency Office, Allahabad:—

No. $\frac{A}{18}$20852, for Rs. 500.

Half of the following Government Currency Note, intimation of loss given to the Currency Office, Calcutta:—

No. $\frac{A}{18}$06740, for Rs. 50.

The right hand halves of the following Currency Notes, intimation of loss given to the Currency Office, Calcutta:—

Nos. $\frac{A}{18}$07948 and $\frac{A}{18}$18995, for Rs. 10 each.

In transit to Calcutta, Allahabad Currency Note, No. 1781, dated 8th May 1862, for Rs. 10. Payment stopped.

Half of an Allahabad Circle Currency Note, No. $\frac{A}{18}$12362, for Rs. 20.

In transmission through the Post Office between Ferozepore in the Punjaub and Calcutta, the halves of the under-mentioned Government Currency Notes, Lahore Circle of Issue:—

No. $\frac{A}{18}$52676, for Rs. 10.
" $\frac{A}{18}$54968, for " 10.
" $\frac{A}{50}$34623, for " 100.

Right half of Government Currency Note, intimation of loss given to the Currency Office, Calcutta:—

No. $\frac{A}{8}$ 05957, for Rs. 10.

Second half of the following Currency Note, intimation of which has been given to the Currency Office, Allahabad:—

No. $\frac{A}{18}$04541 for Rs. 50.

Second half of the following Currency Note, intimation of loss given to the Currency Office, Allahabad:—

No. A18—24222, for Rs. 10 only.

The right hand half of a Government Currency Note No. $\frac{A}{18}$09601, dated 15th July 1861, of the Allahabad Circle, for Rs. 50.

Second half of the following Currency Notes, intimation of loss given to the Currency Office, Calcutta :—

Nos. $\frac{A}{18}$61139 and $\frac{A}{80}$85399, for Rs. 100 each.

Destroyed while in transit by Imperial post, half of a Government of India Currency Note of the Lahore Circle, No. $\frac{A}{18}$59023, dated 8th May 1862 for Rs. 10.

LOST OR STOLEN

Half of the following Currency Note, intimation of the loss given to the Currency Office, Calcutta :—

No. $\frac{A}{9}$04338, for Rs. 10.

Allahabad Circle Note No. $\frac{A}{18}$02073, for Rs. 50.
Lahore Circle Note No. $\frac{A}{85}$24067, for Rs. 50.

Half of the following Currency Note, intimation of loss given to the Currency Office, Calcutta :—

No. $\frac{A}{97}$90555, for Rs. 100.

On or about the 19th of April last, at Rawul Pindee, the first halves of the following Notes :—

$\frac{A}{23}$16049,	dated	17th May 1862,	value	Rs.	50.
$\frac{A}{23}$16096,	„	„	„	„	„	50.
$\frac{A}{23}$16099,	„	„	„	„	„	50.
$\frac{A}{23}$16060,	„	„	„	„	„	50.
$\frac{A}{18}$56588,	„	8th May 1862,		„	„	10.

STOLEN.

Currency	Note	No.	22495,	for Rs.	100.
„	„	„	22761	„	100.
„	„	„	15801	„	100.
„	„	„	19253	„	100.
„	„	„	24561	„	100.
„	„	„	21782	„	100.
„	„	„	26994	„	100.
„	„	„	27737	„	100.
„	„	„	24855	„	100.

From Mrs. A. W. Wilton, Fyzabad, two Punjab Currency Notes, Nos. 19458, and 19462, value Rs. 50 each.

Price Five Rupees.

Finance and Revenue Accounts of the Government of India for the year 1864-65, and Estimate of Revenue, Expenditure, and Cash Balances for 1865-66, with a comparison of the two years.

Price Two Rupees.

Budget Estimate of Revenue, Expenditure, and Cash Balances of the Government of India for the year 1866-67.

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OFFICE OF SUPDT. OF GOVERNMENT PRINTING
MILITARY ORPHAN PRESS.
1866.

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OFFICE OF SUPDT. OF GOVERNMENT PRINTING,
MILITARY ORPHAN PRESS,
1866.

Just published.

BENGAL OFFICIAL ARMY LIST.

The Bengal Official Quarterly Army List, No. XVIII, corrected in the Office of the Adjutant General up to the 1st October, is now ready. Price Five Rupees in advance, and Eight Annas extra if sent by Post.

Apply at the Office of Superintendent, Government Printing, Military Orphan Press, Calcutta.

SALE OF WASTE LANDS IN THE PROVINCE OF OUDH.

Notice is hereby given that several plots of Waste Lands in the District of Gondah, as shown in the accompanying list, will be sold by auction to the highest bidder, above the upset price of Rupees 2-8-0 per acre on the 1st December 1866, at the Office of the Deputy Commissioner of Gondah, should no objection be preferred such as to render it necessary to defer the sale, under the provisions of Act XXIII. of 1863.

The sale will be made in the manner and subject to the conditions prescribed by the Rules for the sale of Waste Lands in Oudh, and to the provisions of Act XXIII. of 1863.

Maps of the several grants can be seen at the Deputy Commissioner's Office.

A. G. GROTE,
Asst. Commr., for *Depy. Commr.*

List of Jungle Grants available for sale in the District of Gondah in the Province of Oudh.

General No.	Pergunnah.	Name of Grant.	Number of Acres.	BOUNDARIES.
				Tehseel Turrufgunge.
1/1	Munkapoor ...	Chittownah Kote	3,104	Bounded on the north by mouzah Sujjway Nuddy; on the south by Mr Glynn's grant; on the east by Munawur Nuddy, and on the west by Grant No. 8 (Sujjway Surokar).
2/1	Ditto ...	Sujjway Surokar	2,071	Bounded on the north by mouzah Sujjway Nuddy; on the south by Mr. Glynn's grant; on the east by grant Chittownah Kote, and on the west by mouzah Gurrurhaie and grant Tuidooah.
3/1	Ditto ...	Tuidooah ...	1,027	Bounded on the north by mouzah Khuthireah hamlet of Hurdawah and Sujjway Nuddy; on the south by grant Gurrurhaie, east by Sujjway Nuddy and grant Sujjway Surokar, and on the west by mouzahs Bugdeirish, Purunpoor, Ditteeah, Sutteah, and Ramroop Bunkut, hamlets of mouzah Hurduwah.
4/1	Ditto ...	Kuttahur ...	525	Bounded on the north by mouzah Kuttahur and grant of Yakool Ally Khan; on the south by Sujjway Nuddy; east by Munawur Nuddy, and on the west by mouzah Kuttahur.
5/1	Ditto ...	Choubeypoor ...	1,582	Bounded on the north by Biswee Nuddy; on the south by mouzahs Muddenpoor, Bhyrawa, Choubeypoor, Metilika and Khoorasow; on the east by mouzahs Umgheity, Soreewah, and Khurka, and on the west by mouzah Duttowlee.
6/1	Boorapair ...	Sujjunniah ...	814	Bounded on the north by mouzahs Mulleepoor, Dowlutpoor, Saree, and Chandpoor; on the south by Sawaie Nullah, grant of Hurruttun Sing, and mouzah Rehartuppeekee; on the east by mouzah Jessunpoor, and on the west by Sawaie Nullah, mouzahs Muddaipoor and Hutteahghur.
7/1	Ditto ...	Suggragurh ...	1,444	Bounded on the north by mouzahs Mahomedpoor, grant Sawukpoor and Chunderdass; on the south by mouzahs Nuthoonpoor, Phorunda, Hussunghur, and Owradhee; on the east by mouzah Sootheah, and on the west by mouzah Hislampoor.
8/1	Sadoollanugger	Bundrabee ...	2,652	Bounded on the north by Kooany Nuddy; on the south by mouzahs Raneepoor, Achulpoor, Tendooah, Bhaupoor, Ghoorapoor, Bhirwah, and Sokeah Tahir; on the east by mouzah Peetjeah, and on the west by mouzahs Lokeabhur and Manugarah.
9/1	Utroulah ...	Etaie ...	951	Bounded on the north by mouzah Oorlaiha and grant of Baboo Shew Nath Sing and Thakoor Shere Bahadoor Sing; on the south by mouzah Ailrah; on the east by Grant No. 31 (Ramghur) and mouzah Ailrah, and on the west by mouzah Pukkree and Grant No. 26 (Pukkree).
10/1	Ditto ...	Ramghur ...	1,154	Bounded on the north by grants of Baboo Shew Nath Sing and Shere Bahadoor Sing; on the south by Kooany Nuddy; on the east by Kurda Nullah and Grant No. 32, and on the west by mouzah Ailrah and Grant No. 30.

DEPY. COMMR.'S OFFICE;
GONDAH,
The 28th August 1866.

A. G. GROTE,
Asst. Commr., for Depy. Commr.

Printed and Published for the GOVT. OF INDIA, *at the Office of* SUPDT. OF GOVT. PRINTING, *Military Orphan Press, 6, Bankshall Street, Calcutta.*

THE GAZETTE OF INDIA

EXTRAORDINARY.

AGRA, SATURDAY, NOVEMBER 17, 1866.

STAR OF INDIA.

NOTIFICATION.

AGRA, VICEREGAL CAMP,

Saturday, the 17th November, 1866.

On Friday, the 16th November, at half-past twelve o'clock, His Excellency the Viceroy and Governor General of India, as Grand Master of the Most Exalted Order of the Star of India, held an Investiture of the said Order, for the purpose of investing with its Insignia the following Chiefs, Officers of Government, and other Persons, nominated by Her Most Gracious Majesty the Queen, and Sovereign of the Order, to be Knights Grand Commanders, Grand Commanders, and Companions of the Order.

KNIGHTS GRAND COMMANDERS.

Maharajah Tukht Singh of Jodhpore.
Maharajah Muddun Pal of Kerowlee.

KNIGHTS COMPANIONS.

The Hon'ble Cecil Beadon.
The Hon'ble Donald Friell McLeod, C. B.
Maharajah Purkash Singh of Deo.
The Hon'ble Maharajah Viziaram Gujputtee of Vizianagram.
Maharajah Drigbijey Singh, Talookadar of Bulrampore.
Maharajah Jyemungul Singh of Gidhore.
Rajah Dinkur Rao.
Rajah Radhakunt Deb.
Rajah Deo Narain Singh.
Rajah Sahib Dyal Misser.
Rajah Nehal Singh Chachee.

COMPANIONS.

Fleetwood Williams, Esq.
Nuwab Foujdar Khan.
Rajah Bundesree Pershad Singh of Sirgooja.
Arthur A. Roberts, Esq., C. B.
Rajah Shuttoshurn Ghosal.
Cudbert B. Thornhill, Esq.
Rajah Bhowany Singh of Mynpoorie.
Colonel Crawford Chamberlain.
Rajah Sheoraj Singh of Kasheepore.
Rajah Teekum Singh of Moorsan.

Colonel Reynell Taylor, C. B.
Rajah Juswunt Rao of Etawah.
Rajah Muhpal Singh of Bansee.
Rajah Hurdeo Buksh of Kutyaree.
Richard Temple, Esq.
Rajah Dirgbijye Singh of Morarmow.
John W. Sherer, Esq.
James D. Gordon, Esq.
Dewan Moula Buksh.
~~Colonel Edward J. Lake~~.
Sirdar Soorut Singh.
Syud Azeem-ood-deen Hussun Khan Bahadoor.
Colonel Richard J. Meade.

[illegible] the MAHARAJAH OF JEYPORE, and His Excellency SIR WILLIAM MANSFIELD, K. C. B., Commander-in-Chief of Her Majesty's Forces in India, as Knights Grand Commanders of the Most Exalted Order of the Star of India, assisted at the Investiture. They were received with the usual honours and salutes.

His Honor the LIEUTENANT-GOVERNOR of the North-Western Provinces, and the Members of the Council of the Governor General present at Agra, attended the Installation.

The following Chiefs were present to witness the ceremony; and on their approach the salutes due to their respective ranks were fired from the Ramparts of the Fort of Agra.

Kotah,	Oorcha,
Kishengurh,	Pertabgurh,
Kerowlee,	Duttia,
Bhurtpore,	Sumpthur,
Ulwur,	Chirkaree,
Tonk,	Bijawur,
Dholepore,	~~Adjeygurh~~,
Jhalawar,	Chutterpore.

The Chief Civil and Military Officers in the North-Western Provinces, and Representatives from the Punjab, and from the other Presidencies and Dependencies of the Empire, and the Principal Members of the Non-official community European and Native, were invited to the Assembly.

As the GRAND MASTER, wearing the Robes and Insignia of the Order, and attended by his Staff, entered the Durbar Tent, the Guard of Honor presented arms, and a Royal Salute was fired.

When the GRAND MASTER had taken his seat upon the Throne, the SECRETARY OF THE ORDER, by desire of His Excellency, read first in English and then in Hindoostanee, the Queen's letters of appointment nominating their Highnesses the Maharajahs of Jodhpore and Kerowlee to be Knights Grand Commanders of the Order.

The MAHARAJAH OF JODHPORE was then conducted to the GRAND MASTER, by the JUNIOR KNIGHT in attendance and by the SECRETARY of the Order. Having invested His Highness with the Insignia of the Order, the GRAND MASTER addressed the Maharajah, in the Hindoostanee language, to the following purport:—

"MAHARAJAH TUKHT SINGH, MAHARAJAH OF JODHPORE!

"I am empowered by Her Majesty the Queen of England and India to invest Your Highness with the Insignia of the first Class of the Order of the Star of India. I am sure that Your Highness must highly appreciate this great honor; and I trust that it will prove an incentive to you to exert yourself in the good management of Marwar, which has descended to you from ancestors illustrious in the annals of Rajwarra. A Chief who ranks so high among the Rulers of that famous country, should also take among them a similar position for justice, for benevolence, and for the excellence with which its affairs are managed. It is my earnest desire that this should be the ambition of Your Highness."

"MAHARAJAH! I now invest you with the Insignia of a Knight Grand Commander of the Star of India; and by the authority of HER MAJESTY THE QUEEN, declare you to be a KNIGHT GRAND COMMANDER of that Illustrious Order."

With the same ceremonial, the MAHARAJAH OF KEROWLEE was led to the Throne, and was by the Grand Commander invested; whereupon His Excellency spoke as follows:—

"MAHARAJAH MUDDUN PAL, MAHARAJAH OF KEROWLEE!

"It is with great satisfaction that I have received the Commands of HER MAJESTY THE QUEEN OF ENGLAND AND INDIA to invest Your Highness with the Insignia of the Star of India. Your Highness has obtained the First Class of this Illustrious Order in consequence of your fidelity and good service during the mutiny of 1857. In those days, when some Chiefs hung back from doing their duty to the British Government, and when many were overwhelmed with fear, your Highness came forward like a true Rajpoot, and your brave clansmen performe[illegible] by side with the English Troops. I herewit[illegible] GRAND COMMANDER OF THE STAR OF INDIA, an[illegible] trious Queen of England, declare that you [illegible] Order."

The two Maharajah's having taken their se[illegible] Commanders, the SECRETARY OF THE ORDER, re[illegible] CECIL BEADON and DONALD FRIELL MCLEOD, [illegible] the Order. They were then presented success[illegible] by the SECRETARY OF THE ORDER to the GR[illegible] invested with the Insignia of the Order, and dec[illegible] Reams.

THE SECRETARY proceeded to read in the Hindoostanee language, HER MAJESTY's letter appointing the several native Chiefs and Gentlemen before enumerated to be Knights Commanders of the Order. They were then successively introduced to the Grand Master by the JUNIOR GRAND COMMANDER and by the SECRETARY; and by the Grand Master duly invested and Knighted.

When investing the Maharajah of Bulrampore, the GRAND MASTER said:

"MAHARAJAH DRIG BIJEY SINGH, CHIEF OF BULRAMPORE!

"It is with the greatest pleasure that in the name of HER MAJESTY THE QUEEN OF ENGLAND, I invest you with the Insignia of the Second Class of the Order of the STAR OF INDIA.

YOUR HIGHNESS was one of those few Chiefs in Oude who remained faithful to the English Government during the general disaffection in 1857 in that Province. The services which you then performed in saving the lives of Sir Charles Wingfield, and other English Gentlemen entitle you to the regard and consideration of all my countrymen.

As the Chief of foremost rank in Oude, I trust that you will always set a good example by the way you manage your large Estates, and the manner with which you treat the people who reside on them, respecting the just rights of all, however poor and helpless. This is a certain road to honor and respect in the eyes of the English Government."

In delivering to the Rajah of Morarmow the Insignia of the Order, the GRAND MASTER addressed him in effect as follows:—

"RAJAH DIG BIJYE SINGH OF MORARMOW!

"I have great satisfaction in investing you with the Insignia of the third Class of the Star of India, conferred on you by HER MAJESTY THE QUEEN OF ENGLAND, in recognition of your services in saving the lives of the English Officers and soldiers who escaped from Cawnpore in 1857. Your noble conduct on that occasion should endear your name to the hearts of all Englishmen. It was an act, at that time, which could only have been performed from the highest feelings of humanity, and it entitles you to our cordial esteem and gratitude."

The Knights Grand Commander, and Knights Commander having been all duly invested, and installed in their respective places, the SECRETARY OF THE ORDER called up and presented, successively, the gentlemen, European and Native, appointed to be COMPANIONS, or Members of the Third Class of the Order.

Their badges having been by the Grand Master presented to each Companion, HIS EXCELLENCY rose and, still in Hindoostanee, addressed the Assembly:—

"MY FRIENDS.

Time has not admitted of my addressing individually each Chief and Gentleman who has this day received, from my hands, the honors which Her Gracious Majesty, THE QUEEN OF ENGLAND AND INDIA has conferred on him. But I have the pleasure of heartily congratulating you all on this auspicious occasion.

The Order of the Star of India has been created mainly with the view of recognizing the services of the Princes, and Nobles, and Rulers, and Administrators of India, of all creeds and classes, and thus uniting them together in one common in-

terest. The Order is presided over by HER MAJESTY THE QUEEN herself, and has for one of its Knights, the PRINCE OF WALES the Heir Apparent to England's Throne. It can already reckon also in its ranks, the foremost Chiefs of India, and some of the most distinguished Englishmen now alive, who have served in this country; and its honors may be an object of honorable ambition to those who have not yet attained the distinction.

To me it is an especial satisfaction, that I find enrolled in the Order some of my oldest and best friends, both Native and English."

When THE GRAND MASTER had concluded these words, His Excellency arose, and under a Royal salute left the Durbar.

descended from the Throne

[illegible] and Knights received the congratulations [illegible] ound THE THRONE; and the native Princes [illegible] ive carriages by the FOREIGN SECRETARY.

By order of THE GRAND MASTER,

W. MUIR,

[illegible]ry to the Most Exalted Order of the Star of India.

AGRA:—WM. DEUGO, DELHI GAZETTE, PRESS.

ORDER OF PRECEDENCE

Of the Princes and Chiefs assembled at Agra to meet the Viceroy and Governor General of India.

November 1866.

Princes of the First Rank.

1 His Highness the Maharajah Scindia of Gwalior, G. C. S. I.
2. { His Highness the Maharajah of Jeypore, G. C. S. I
   { His Highness the Maharajah of Jodhpore, G. C. S. I.
4. Her Highness the Begum of Bhopal, G. C. S. I.

Chiefs governing their own Territories and Cadets of Royal Houses

5. The Maha Rao of Kotah.
6. The Maharajah of Kishengurh.
7. The Maharajah of Kerowlee, G. C. S. I.
8. The Maharajah of Bhurtpore.
9. The Maharao Rajah of Ulwur.
10. The Nawab of Tonk.
11. The Maharaj Rana of Dholepore.
12. The Maharaj Rana of Jhalawar.
13. The Maharajah of Oorcha.*
14. The Maha Rawut of Pertabgurh.
15. The Hon'ble the Nawab of Rampore.
16. The Rao Maharajah of Duttia.
17. The Rajah of Sumpthur.
18. The Maharajah of Chirkaree.
19. The Rajah of Bijawur.
20. The Maharajah of Adjeygurh.
21. The Rajah of Chutterpore.
22. The Rajah of Sureela.
23. The Jagheerdar of Alipoora.
24. The Rais of Myhere.
25. Mirza Feyazooddeen.
26. Mirza Mahomed Saeed Bukht.
27. Mirza Laul.
28. Mirza Mouzooddeen Bukht.
29. Mirza Seekunder Bukht.
30. Mirza Raheemooddeen.

} Members of the Ex Royal Family of Delhi.

Nobles and Chieftains.

31. The Hon'ble the Maharajah of Vizianagram, K. C. S. I.
32. The Maharajah of Bulrampore, K. C. S. I., (Oudh.)
33. The Maharajah of Bhadower, (N. W. P.)
34. The Maharajah of Doomraon, (N. W. P.)
35. The Maharaj of Deo, K. C. S. I., (Bengal.)
36. Maharajah Sir Jeymungul Singh of Gidhore, K. C. S. I., (Bengal.)
37. Raja Sir Beoharain Singh, K. C. S. I, (N. W. P.)
38. Rajah Sir Dinkur Rao, K. C. S. I., (N. W. P.)
39. Rajah the Hon'ble Sir Sahebdyal Sing, K. C. S. I.
40. Rajah Sir Radhakant Deb, K. C. S. I., (Bengal.)
41. Nawab Fonjdar Khan, C. S, I., (Punjab.)
42. Sirdar Sir Nehal Sing Chachee, K. C. S. I., (Punjab.)
43. The Rajah of Mynpooree, C. S. I., (N. W. P.)
44. The Rajah of Kashoepore, C. S. I., (N. W. P.)
45. Rajah Bulwun Sing Kashoewala (N. W. P.)
46. Raja Bindessory Pershad of Sirgooja, C. S. I., (Bengal.)
47. Rajah Dirgbijey Sing of Morarmow, C. S. I., (Oudh.)
48. Rajah Suttoshurn Ghosal, C. S. I., (Bengal.)
49. The Rajah of Bansee, C. S. I., (N. W. P.)
50. Rajah Hurdeo Buksh of Kuttianee, C. S. I., (Oudh.)
51. The Rajah of Gopalpore (N. W. P.)
52. Sirdar Soorut Singh, C. S. I., (N. W. P.)
53. Baba Prosono Coomar Tagore, C. S. I., (Bengal.)
54. Rajh Kishen Pertab of Tumkoee, (N. W. P.)
55. Rajah Teekum Sing of Moorsan, C. S. I., (N. W. P.)
56. Rajah Keshorao of Goorsorai, (N. W. P.)
57. Rajah Jagunnath Sing of Powaya, (N. W. P.)

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* The Maharajah of Oorcha has never before attended a Viceregal Durbar. The rank therefore assigned him in this List is provisional only, and liable to such future adjustment as the Viceroy may be pleased to order.

58. Rajah Bunsput Sing of Bara, (N. W. P.)
59. Rajah Tejbul Sing of Dayah, (N. W. P.)
60. Rajah Jey Kishen Doss, (N. W. P.)
61. Rajah Misir Bijnath of Bareilly, (N. W. P.)
62. Rajah Dilsook Rai of Bilram, (N. W. P.)
63. The Rajah of Pertabnere in Etawah, (N. W. P.)
64. Rajah Juswunt Rao of Etawah, C. S. I., (N. W. P.)
65. Rajah Pertab Sing of Tajpoor, (N. W. P.)
66. Rajah Mahesh Narain of Rajabazar, (N. W. P.)
67. Rajah Salamut Khan, (Jounpore, N. W. P.)
68. The Rajah of Bhuree, (Etawah, N. W. P.)
69. The Rajah of Nulbojnee (Etawah, N. W. P.)
70. Rao Bulwunt Rao of Kirwee.
71. *Baba Khen Sing Bedee (Punjab.)
72. Syud Azimooddeen Hoossein Khan Bahadoor, C. S. I., (Bengal.)
73. Dewan Mowla Baksh, C. S. I., (Bengal.)
74. Baboo Umbeka Porshad Narain Sing of Sarun, (N. W. P.)
75. Nawab Mohamed Ali Shah of Meerut, (N. W. P.)
76. Syud Meer Khan, Sirdar Bahadoor, (N. W. P.)

NATIVE GENTLEMEN TO RECEIVE SPECIAL REWARDS FOR SERVICE RENDERED.

77	Baboo Shivaprasad,	N. W. P.
78.	Syud Ahmed Bahadoor,	
79.	Lala Ram Chundra,	Punjab.
80.	Lala Wuzeer Sing,	
81.	Imam Baksh Khan,	
82	Wamun Gopal,	Central India
83	Pundit Gunesh Shastree,	
84.	Pundit Moonalall,	

N. B.—The Return-Visits payable by the Viceroy will not extend below the Rajah of Chutterpore, No. 21 in the above List.

* To receive a special reward for service rendered to the State in the cause of education.

AGRA:—WM. DELGO, DELHI GAZETTE, PRESS.

THE GAZETTE OF INDIA

EXTRAORDINARY.

Published by Authority.

AGRA, SATURDAY, NOVEMBER 24, 1866.

FOREIGN DEPARTMENT.

Viceregal Camp, Agra, 21st November, 1866.

On Tuesday, the 20th November, His Excellency the Viceroy and Governor General of India received the undermentioned Princes, Chiefs and Native Gentlemen in Public Durbar.

His Highness the Maharaja Scindia of Gwalior, G. C. S. I. and 9 attendant Sirdars.
His Highness the Maharaja of Jeypore, G. C. S. I. and 9 attendant Sirdars.
His Highness the Maharaja of Jodhpore, G. C. S. I. and 9 attendant Sirdars.
Her Highness the Begum of Bhopal, G. C. S. I. and 9 attendant Sirdars.
The Maharao of Kotah with 6 attendant Sirdars.
The Maharaja of Kishengurh, do. do.
The Maharaja of Bhurtpore, do. do.
The Maharao Raja of Ulwur, do. do.
The Nawab of Tonk, do. do.
The Maharaj Rana of Dholepore, do. do.
The Maharaj Rana of Jhalawur, do. do.
The Maharaja of Oorcha, do. do.
The Maharawut of Pertabgurh, do. do.
The Rao Maharaja of Duttia, do. do.
The Raja of Sumpthur, do. do.
The Maharaja of Chirkaree, do. do.
The Raja of Bijawur, do. do.
The Raja of Chutterpore, do. do.
The Raja of Sureela, with 3 attendant Sirdars.
The Rais of Myhere, do. do.
The Jageerdar of Alipoora, do. do.
Mirza Feyazooddeen.
Mirza Mahomed Saeed Bukht.
Mirza Laul.
Mirza Mouzooddeen Bukht.
Mirza Secunder Bukht.
Mirza Raheemooddeen.
Mirza Mohamed Mohsan Bukht.
Mirza Mohamed Azeezooddeen Bukht.
} Members of the Ex-Royal Family of Delhi.
The Hon'ble the Maharajah of Vizianagram, K. C. S. I. and son (Madras.)
The Maharajah of Bulrampore, K. C. S. I. (Oudh.)
The Maharajah of Bhadower, (N. W. P.)
The Maharajah of Doomraon, (N. W. P.,) and nephew.
The Maharajah of Deo, K. C. S. I., (Bengal.)

Maharajah Sir Jeymungul Singh of Gidhore, K. C. S. I., (Bengal.)
Rajah Sir Deonarain Singh, K. C. S. I., (N. W. P.)
Rajah Sir Dinkur Rao, K. C. S. I., (N. W. P.)
Rajah the Hon'ble Sir Sahebdyal Sing, K. C. S. I.
Raja Sir Radhakant Deb, K. C. S. I., (Bengal.)
Nawab Foujdar Khan, C. S. I., (Punjab.)
Baba Khen Singh Bedee, (Punjab.)
Sirdar Sir Nehal Singh Chachee, K. C. S. I., (Punjab.)
The Rajah of Mynpoorie, C. S. I., (N. W. P.)
The Rajah of Kasheepore, C. S. I., (N. W. P.)
Rajah Bulwun Singh, Kasheewala, (N. W. P.,) and his nephew.
Rajah Bindessory Pershad of Sirgoojah, C. S. I., (Bengal.)
Rajah Dirgbijey Singh of Morarmow, C. S. I., (Oudh,) and son.
Rajah Suttoshurn Ghosal, C. S. I., (Bengal.)
The Rajah of Bansee, C. S. I., (N. W. P.)
Rajab Hurdeo Buksh of Kuttiaree, C. S. I., (Oudh.)
The Rajah of Gopalpore, (N. W. P.)
Sirdar Soorut Singh, C. S. I., (N. W. P.)
Baboo Prosono Coomar Tagore, C. S. I., (Bengal.)
Rajah Teekum Sing of Moorsan, C. S. I., (N. W. P.)
Rajah Keshorao of Goorserai, (N. W. P.) with his son Atma Ram.
Nawab Asghur Ali Khan, of Rampore, (N. W. P.)
Rajah Bunsput Sing of Barra, (N. W. P.)
Raja Tejbul Singh of Dayah, (N. W. P.)
Raja Jeykissen Doss, (N. W. P.)
Raja Pirthee Singh of Awah.
Raja Dilsook Rai of Bilram, (N. W. P.)
Raja Juswunt Rao of Etawah, C. S. I., (N. W. P.)
Raja Pertab Singh of Tajpoor, (N. W. P.)
Raja Mahesh Narain of Rajabazar, (N. W. P.)
Raja Salamut Khan, (Jounpore, N. W. P.)
Rao Bulwunt Rao of Kirwee, (N. W. P.)
Imam Buksh Khan, (Punjab.)
Syud Azim-ood-deen Hossein Khan Bahadoor, C. S. I., (Bengal.)
Dewan Moula Buksh, C. S. I., (Bengal.)
Nawab Mahomed Ali Shah of Meerut, (N. W. P.)
Syud Meer Khan Sirdar Bahadoor, (N. W. P.)
Khan Jehan Khan of Jowra, (Central India.)
And one hundred other Native Gentlemen from the N. W. P.

Representatives from the following Native States also witnessed the ceremony, Cashmere, Bahawulpore, Puttiala, Jheend, Nabba and Kuppoorthulla in Northern India, Oodeypoor, Boondee, Bikaneer and Jeysulmere in Rajpootana, and Indore, Rewah, Baonee, Dewas, Adjeygurh, Sillana and Nagode in Central India.

Illness prevented the attendance of the Maharaja of Kerowlee, G. C. S. I.

The Lieutenant Governors of Bengal, the N. W. Provinces and the Punjab; the Commander-in-Chief of the Army; the Hon'ble G. N. Taylor, and the Right Hon'ble W. N. Massey, Members of the Government of India, together with a large concourse of British Officers, Civil and Military, were present in the Durbar, seated on the left of the Viceregal Dais.

The Maharaja Scindia of Gwalior sat on the immediate right of the Dais, and on the Maharaja's right were seated in succession the Maharaja of Jodhpore and the Begum of Bhopal. The next seat was reserved for the Foreign Secretary and after the Foreign Secretary were ranged in order of precedence the remaining Chiefs, Nobles and Native Gentlemen, excepting the Maharaja of Jeypore.

As a special arrangement, forming no precedent for the future, the Maharaja of Jeypore was allowed a seat on the left of the Dais, corresponding to that occupied by the Maharaja Scindia on the right.

When all were assembled, His Excellency the Viceroy and Governor General of India entered the Durbar, attended by the Secretaries to the Government of India and the Officers of His Excellency's Personal Staff. A Royal Salute was fired, and, until it was over, all present remained standing.

The Viceroy then took his seat upon the throne, and the presentations commenced.

The Maharajas of Gwalior, Jodhpore and Jeypore with their respective Sirdars were in turn presented to the Viceroy by the Foreign Secretary. The Sirdars all offered

Nuzzurs to His Excellency; but the Maharajas themselves were exempted from this ceremony.

The Begum of Bhopal and the other native Chiefs and Gentlemen who had been summoned to the Durbar were afterwards one by one presented to the Viceroy each offering the prescribed Nuzzur.

The following native Gentlemen, on being presented to the Viceroy, were honored with special rewards for their services in the cause of Public Education.

Baba Khen Singh Bedee,
Imam Buksh Khan,
Lala Ram Chundra,
Lala Wuzeer Sing,
} From the Punjab.

Baboo Shiva Prasad,
Syud Ahmed Bahadoor,
} From the N. W. P.

Wamun Gopal from Malwa.

The Viceroy then proceeded to confer Khilluts generally on those who had been presented, beginning with the Maharaja Scindia.

When the Rajah of Chutterpore had received his Khillut, the Foreign Secretary explained in Hindoostanee that there was no time for the public distribution of any more Khilluts, but that those remaining to be distributed (about 200 in number) would be issued the following day from the Foreign Office.

After this explanation the Viceroy and Governor General rose from the throne, and delivered in Hindoostanee an address to the assembled Princes and Chiefs to the following effect:—

"MAHARAJAHS, RAJAHS AND SIRDARS!

It is with great satisfaction that I see you all assembled before me this day. I bid you all a hearty welcome to this famous city, renowned for its splendid Taj; and above all, as having been in former days, the seat of Government of the great Emperor, from whom it derives its name, of Akbar-a-bad.

It is good for us thus to meet together: it is advantageous for me, as the Viceroy of the illustrious Queen of England and India, to see, and become acquainted with so many Chiefs of rank and reputation; and for you all, it is right that you should be able to speak face to face with me; and hear my views and wishes regarding the management of your respective Territories.

The art of governing wisely and well is a difficult one, which is only to be attained by much thought, and care, and labor. Few Kings and Chiefs in Hindostan have possessed the necessary qualifications, because they have not taken the precaution, in their youth, to learn, to study and to act for themselves; nor did they care to have their sons, those who were to succeed them, well instructed, and carefully trained. Hence it has so often happened, that after a Chief has passed away, he has not been remembered as a good and wise Ruler. Great men, when living, often receive praise from their friends and adherents, for virtues which they do not possess; but it is only after this life is ended, that the real truth is told. Of all fame that such men can acquire, that alone is worth having, which is accorded to a just and beneficent Ruler. The names of conquerors and heroes are forgotten; but those of virtuous and wise Chiefs live for ever.

The days of war and rapine, it is to be hoped, have passed away from Hindostan, never to return. But perhaps some of the Chiefs now present can recollect the time in India; and all must have heard of the times, when neither the Palace of the Ruler, nor the Cottage of the Peasant, nor the most sacred Edifices of Hindu nor Mahomedan, were safe from the hands of the plunderer and destroyer. In those days whole Provinces were one scene of devastation and misery; and in vast tracts of country scarcely the light of a lamp was to be seen in a single village. English rule in India has put all this down. No longer is the country a waste and a wilderness, the abode of savage animals. Now it is, to a great extent, covered with populous villages, and rich with cultivation; and all the inhabitants are living in comparative safety under the shade of English power.

But while such no doubt, to a great extent, is a true picture of the state of India, still when we enquire closely into the condition of different parts of the country, we cannot but perceive that much tyranny and oppression are still practised; that much individual suffering still exists; and that much crime escapes unpunished. That peace and that security from outward violence which the British Government confers on your terri-

tories, you must extend to your people. None but the Rulers of their own lands can accomplish this; and they only can do it by constant care and supervision. They have plenty of time to do all that is necessary, if they have only the will. Chiefs have abundant time for their own pleasures and amusements; indeed many of them have more leisure than they can employ; and are often weary from want of something to interest them. Others again waste their time in disputes with their neighbours, in quarrels with their feudatories, and even in still less satisfactory ways.

If a Chief will neglect his own proper duty, the care of his state, how can he expect that a Deputy will perform it properly for him? Good laws, and well selected officials, carefully supervised are necessary to insure good Government. An efficient police, and a well managed revenue are equally desirable, so that people may live in safety, and enjoy the fruits of their industry. Schools for the education of the young, and Hospitals for the cure of the sick should also be established. Some Chiefs are perhaps in debt, and would find it difficult to do much in the way I have sketched. But other Chiefs have abundant revenues; and all I ask is that every ruler should act according to his means. Some among you vie with each other for precedence, and feel aggrieved at the position which they occupy. How much more to the purpose would it be if all would try, which can govern his country in the wisest manner: in this way there is abundance of scope for all. The British Government will honor that Chief most, who excels in the good management of his people; who does most to put down crime, and improve the condition of his country. There are Chiefs in this Durbar who have acquired a reputation in this way. I may mention Maharajah Scindia, and the Begum of Bhopal. The death of the late Nawab Ghous Khan of Jowra was a cause of grief to me, for I have heard that he was a wise and beneficent Ruler. The Rajah of Seetamow in Malwah is now 90 years old, and yet it is said that he manages his country very well. The Rajah of Ketri in Jeypore has been publicly honored for the wise arrangements he has made in his lands. It is to me a very great pleasure, when I hear of the meritorious conduct of any Chief, and I try and make this known, so as to encourage other Rulers to follow his example.

Kings and Chiefs in former times, had no idea of opening out their countries. They often lived in difficult and almost inaccessible positions, surrounding their Palaces with all kinds of fortifications, out of which they seldom ventured to any distance; and then only when attended by as many soldiers and armed followers as they could muster. As to travelling to see the wonders of other countries, such an idea never entered their minds; or if it did, it was dismissed as utterly impracticable. Now the Princes of Hindostan have little hesitation in moving from one place to another at a distance from their own Territories, and some Chiefs have become so enlightened and far seeing as to be willing to have roads made through the length and breadth of their lands, and some have contributed annually considerable sums for this purpose. I hope that others will follow their example, and do all they can to construct roads, canals, and wells in their country, thus enriching themselves and their people.

I will now conclude by wishing you all again a welcome to Agra, and trust that what you will have seen and heard, and the general reception you have received, may make you long remember this Durbar. I have but one object, namely, that you should try and govern your people well, and thus conduce to your own good name and their happiness.

After the usual concluding ceremonies, the Viceroy and Governor General left the Durbar under a Royal Salute, accompanied by the Lieutenant Governors, the Commander-in-Chief and the Personal Staff.

By Order,

A. J. W. S. Wylie ~~W. MUTH~~,

Under Secretary to the Government of India.

AGRA:—WM. DEUGO, DELHI GAZETTE, PRESS.

THE GAZETTE OF INDIA

EXTRAORDINARY.

Published by Authority.

AGRA, MONDAY, NOVEMBER 26, 1866.

The Viceroy and Governor General will leave Agra at 7 P. M. on Wednesday, the 28th instant.

His Excellency will stay at Benares during the 29th and will leave that station for Calcutta at 3-30 P. M. on the 30th.

The Viceroy will arrive at the Presidency at 8 A. M. on Saturday, the 1st December.

By Command,

SEYMOUR BLANE, *Lieutenant-Colonel,*

Military Secretary to the Viceroy.

Military Secretary's Office,
Viceroy's Camp Agra,
The 24th November 1866.

AGRA:—WM. DEUGO, DELHI GAZETTE, PRESS.

No. 46.

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, NOVEMBER 17, 1866.

HOME DEPARTMENT.

LEGISLATIVE.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 24th October 1866, and is hereby promulgated for general information :—

ACT No. XXX. OF 1866.

An Act for amending the laws for collecting a Revenue of Excise on Spirituous Liquors and Intoxicating Drugs in the Settlement of Prince of Wales' Island, Singapore and Malacca.

Preamble.

WHEREAS it is expedient to amend the laws for the collection of a Revenue of Excise upon Opium, Chandoo, Spirituous Liquors, Toddy and Bhang, and the granting of Excise Licenses for the sale of the said articles by retail within the Settlement of Prince of Wales' Island, Singapore and Malacca: It is enacted as follows :—

Repeal of Act XIV of 1851.

1. Act No. XIV of 1851 (*for consolidating the laws for collecting a Revenue of Excise on Spirituous Liquors and Intoxicating Drugs, in the Settlement of Prince of Wales' Island, Singapore and Malacca*), is hereby repealed, except in so far as that Act repeals any other Regulations or Acts, and except as to acts done, offences committed, and liabilities incurred before the passing of this Act. Section 53 of Act XIII of 1856 (*for regulating the Police of the Towns of Calcutta, Madras and Bombay, and the several Stations of the Settlement of Prince of Wales' Island, Singapore and Malacca*), shall be read as if the reference therein made to the said Act No. XIV of 1851 were made to this Act.

Duties imposed.

2. All Opium, Chandoo and Opium Dross, and all Spirituous Liquors, and all Toddy and Bhang shall, except as is hereinafter provided, be liable to a duty, when used or consumed in any of the Stations of the said Settlement.

Exclusive rights.

3. The exclusive right of making or preparing Chandoo or Opium Dross, and of retailing Chandoo or Opium Dross, or Opium in smaller quantities than one chest; and the exclusive right of retailing Spirituous Liquors, and of making and distilling Spirituous Liquors; and the exclusive right of selling Toddy and Bhang, within the Settlement of Prince of Wales' Island, Singapore and Malacca, shall be vested, from time to time, in such persons as the Local Government may license for that purpose, either by public or private sale of such exclusive rights, and on such conditions as may be proper, to secure the due payment of the rents and revenues of the said Farms, and to provide equitable arrangements for the transfer of the stocks of machinery and exciseable articles in the possession or any Farmer at the end of his term of exclusive privilege to the next succeeding Farmer.

Farmer's name.

4. Any person in whom the exclusive right of making or preparing Chandoo or Opium Dross, and of retailing Opium in smaller quantities than one chest shall be vested, shall be called the "*Opium Farmer* of Prince of Wales' Island," or "of Singapore," or "of Malacca," as the case may be; and the person on whom the exclusive right of retailing Spirituous Liquors, and of making and distilling and compounding Spirituous Liquors shall be vested, shall be called the "*Spirit Farmer* of Prince of Wales' Island," or "of Singapore," or "of Malacca," as the case may be; and the person in whom the exclusive right of selling Toddy and Bhang shall be vested, shall be called the "*Toddy Farmer* of Prince of Wales' Island," or "of Singapore," or "of Malacca," as the case may be.

Farmers to sign contract,

5. No person in whom such exclusive right may be vested, shall use such right until after he shall have entered into a contract in writing with the Local Government, binding himself to adhere to the terms of such contract, and to the provisions of this Act; and the several Farmers shall give such security, as may seem to the Local Government to be sufficient, for the due fulfilment of their contracts, by deposit of money or valuable securities, or by mortgage of real or personal property or otherwise: And it shall be lawful for the Local Government to

and give security, &c.

Government may dispose of securities, &c.,

sell, dispose of and realize all such property mortgaged, pledged or deposited, without action, suit or other legal procedure for judgment or decree, in any Court of Justice, and to apply the same, or the proceeds of sale thereof, or so much thereof as may be required, to liquidate any penalties, forfeitures, damages or losses which may arise or exist against the said Farmers at the end of their several terms, before surrendering to them their securities, or making over to them the monies and valuable securities so deposited: Provided that no such penalties, forfeitures, damages or losses shall be chargeable against any Farmer under this Act till the same shall have been sanctioned, in writing, by the chief Civil Authority in the said Settlement. Such contract and mortgage may be in the form of Schedule A to this Act annexed, or to the like effect.

summarily,

and apply same to defalcations, &c.

Proviso.

Form of contract and of mortgage.

Farm of Opium.

6. *Clause* 1.—Every person importing into any of the said Stations any Opium, shall, before landing such Opium or any part thereof, deliver, or cause to be delivered, to the Registrar of Imports and Exports of the Station, a Bill, in form of Schedule B to this Act annexed, or to the like effect, specifying the quantity and description of Opium, the name of the ship, the time of landing, and the place where the said Opium is intended to be stored: whereupon the Registrar of Imports and Exports, or his Deputy, shall furnish a permit, without fee, in form of Schedule C to this Act annexed, or to the like effect, authorizing the Opium to be landed and stored, in terms of the Bill of Specifications; and no Opium so stored shall be removed without a permit from the Registrar of Imports and Exports, who shall grant such permit on the application, in writing, in form of Schedule D to this Act annexed, or to the like effect, of the owner, or his Agent, desiring to remove the same, and stating the place to which it is to be transferred: and before exporting any Opium from any of the said Stations, the intending exporter shall furnish to the Registrar of Imports and Exports of the Station, a Bill, in form of Schedule E to this Act annexed, or to the like effect, specifying the quantity and description of Opium to be exported, and the name of the ship, and the place to which the same is to be exported, whereupon the Registrar of Imports and Exports, or his Deputy, shall furnish, without fee, to the intending exporter, a permit, in form of Schedule F to this Act annexed, or to the like effect, authorizing the said Opium to be exported.

Import of Opium.

Bill of Specifications.

Permit by Registrar of Imports and Exports to land Opium.

Permit to remove.

Export of Opium.

Permit to export.

Clause 2.—And it shall not be lawful for any person to import, or bring, into any of the saiy Stations, or to export, or take out, from any of the said Stations, any Opium, except to or from the principal Ports of the said Station, and within the limits of the said several Ports, as laid down under Act No. XXII of 1855 *(for the regulation of Ports and Port Dues)*, or any other Act, to the like effect, to be hereafter passed.

Confined to principal Ports.

Clause 3.—Any Opium in smaller quantities than one chest, imported into any of the said Stations, shall be lodged in the Office of the Registrar of Imports and Exports, subject to the rules laid down in Section 11 of this Act, and shall not be taken therefrom, except for exportation, or sale to the Opium Farmer of the Station, as is hereinafter provided.

Opium less than one chest

Clause 4.—Any person offending against any of the provisions of this Section, shall be liable, on conviction, to a penalty not exceeding Five Hundred Dollars; and any Opium so imported, or exported, or stored, or moved, or attempted to be imported, or exported, or stored, or moved, contrary to the provisions of this Section, with the packages and vessels in which it is contained, shall be seized and forfeited.

Penalty.

Forfeiture.

7. The Opium Farmer shall be entitled to inspect, and take extracts from, the Registry of Imports and Exports, and the production of a copy of any extracts from the said Registry, certified under the hand and seal of the Registrar of Imports and Exports of the Station, or his Deputy, shall, on the trial of any person charged with an offence under this Act, in any Court of Justice within the said Settlement, be proof of the facts set out in the said extracts, till the contrary be shown, by, or for, the person so charged, and the omission of entries in the said book shall be proof, till the contrary is shown, in like manner, that application has not been made for the permit required.

Inspection of Register.

Certified extracts of Register, evidence.

Omission of entries.

8. Any Justice of the Peace at any of the said Stations, on information, on oath, lodged before him, by the Opium Farmer of the Station or his Agent, that there is reason to believe that any Opium has been imported into the said Settlement, contrary to the provisions of this Act, or that any Opium imported into, and stored in the Station, has been removed without a permit, as hereinbefore required, from the place in which such Opium was stored, may issue his warrant, in the form of Schedule G to this Act annexed, or to the like effect, to enter and search any place, and if any Opium is found to have been so imported, or to be missing from the place in which it was permitted to be stored, the person in whose possession such Opium may be found, or in whose name such Opium shall have been so stored, shall be liable, on conviction, to a penalty not exceeding Five Hundred Dollars for every chest of Opium which shall be found to have been so imported, or so removed, contrary to the provisions of this Act.

Search warrant for Opium.

Information.

Penalty.

9. Every person, other than the Opium Farmer of the Station, who shall make or prepare Chandoo or Opium Dross, within the local limits of the juris-

Making Chandoo.

diction of the Court of Judicature of the said Settlement, or who shall import thereinto any Chandoo, or Opium Dross, except as is hereinafter provided by Section 11 of this Act, or who shall therein sell, or offer for sale, or permit to be sold, or offered for sale, or who shall purchase, or who shall knowingly have in, or receive into, his possession or control, any Chandoo or Opium Dross, or Opium in less quantities than one chest, not purchased from the Opium Farmer of the then current year, or a licensed Opium Shop-keeper of the Station, of the then current year, the onus of proof of which purchase shall rest with the person in whose possession or control the said Chandoo or Opium Dross or Opium may be found, shall be liable, on conviction, for the first offence, to a penalty not exceeding One Hundred Dollars; for the second offence, a penalty not exceeding Two Hundred Dollars; and for every subsequent offence, a penalty not exceeding Four Hundred Dollars; and all such contraband Chandoo or Opium Dross, and the vessels containing the same, shall be forfeited, and all utensils and vessels which have been used, or which are plainly intended to be used, in preparing Chandoo and Opium Dross, shall be seized and forfeited.

Importing Chandoo. Selling Chandoo. Having in possession Chandoo. Proof. Penalty. Forfeiture.

10. Every person, other than the Opium Farmer of the Station, who shall sell, or offer for sale, and every person who shall buy from any person other than the Opium Farmer of the then current year, or who shall knowingly receive, or have in his possession, contrary to the provisions of this Act, any quantity of raw Opium less than one chest, shall be liable, on conviction, for the first offence, to a penalty not exceeding One Hundred Dollars; for the second offence, a penalty not exceeding Two Hundred Dollars; and for every subsequent offence, a penalty not exceeding Four Hundred Dollars; and all such Opium with the packages or vessels in which the same is contained, shall be seized and forfeited: Provided that nothing herein contained shall be held to prevent the sale of raw Opium, for exportation, under the provisions of Section 12 of this Act.

Raw Opium, selling or buying. Having in possession. Penalty. Forfeiture. Proviso.

11. Every person arriving in any ship at any of the said Stations, who may have on board any Chandoo, or any Opium Dross, or any raw Opium, in less quantity than one chest, shall, within twenty-four hours after such vessel shall have come to anchor, give notice in writing thereof to the Registrar of Imports or Exports in the form of Schedule B to this Act annexed, or to the like effect, and shall apply to the said Registrar for a permit to land the said Opium, or Chandoo, or Opium Dross; and the said Registrar, or his Deputy, shall forthwith issue a permit, without fee, in form of Schedule C to this Act annexed, or to the like effect; whereon the person receiving the permit shall forthwith, and before landing any of the said Opium, Chandoo, or Opium Dross, furnish a copy of the said permit to the Opium Farmer of the Station; when the said Opium, Chandoo, and Opium Dross shall be forthwith landed and deposited in the Office of the said Registrar, where it shall remain until exported or sold to the Opium Farmer: and when it is desired to export the same, the Owner or his Agent shall apply, in writing, in form of Schedule E to this Act annexed, or to the like effect, to the said Registrar for a permit to export; when the said Registrar, or his Deputy, shall issue his permit, without fee, in the form of Schedule F to this Act annexed, or to the like effect, authorizing the export; and the person receiving the said permit shall forthwith, and before the removal of any of the said Opium, Chandoo or Opium Dross, furnish a copy of the said permit to the Opium Farmer of the Station, and shall at once thereafter proceed to remove the said Opium, Chandoo or Opium Dross from the said Office to the ship in which it is to be exported: Provided always, that no such permit for exportation shall be granted, till the person applying for the same shall have produced the Port Clearance for the ship in which it is intended to export the said Opium, Chandoo or Opium Dross; and provided further, that the permits for landing and for exporting such Opium, Chandoo and Opium Dross shall specify the name of the ship, the name of the Owner of the Opium, Chandoo and Opium Dross, the quantity and description of the same, and the vessels or utensils containing the same, and the time of intended landing, or removal from the said Office; and any person committing a breach of any of the provisions of this Section, shall, on conviction thereof, be liable to a penalty not exceeding Two Hundred Dollars, and the Opium, Chandoo or Opium Dross shall be seized and forfeited.

Raw Opium or Chandoo arriving. Notice to land. Permit to land. Notice to Farmer. Deposit. Notice to export. Permit to export. Notice to Farmer. Proviso. Port Clearance. Specifications in permits. Penalty. Forfeiture.

12. Every person, who shall be desirous of exporting, or of selling for exportation, raw Opium, in any quantity less than one chest, shall deposit a chest containing the customary quantity, in the Office of the Registrar of Imports and Exports; and whenever such person shall apply for any portion of such Opium to be delivered to him, or to any purchaser thereof, for exportation, he shall deliver to the Registrar of Imports and Exports, or his Deputy, a written Bill of Particulars, in form of Schedule E to this Act annexed, or to the like effect, expressing the quantity of Opium that is to be exported, and the name of the person who is about to export the same, and of the ship, and of the master, and of the place to which the same is to be exported, and the time of removal, and having also, in case the Opium mentioned therein is to be sold for exportation, the name of the purchaser written thereon; and the

Export of Opium less than one chest. One chest to be deposited. Bill of Particulars.

said Registrar, or his Deputy, shall thereupon cause the quantity of Opium specified in the Bill of Particulars, to be taken out of such chest, and delivered to the person, who is to export the same, and shall deliver to such person, without fee, a permit in form of Schedule F to this Act annexed, or to the like effect: and the said Opium shall be exported, in terms of the said permit, and such chest shall remain in the custody of the said Registrar, or his Deputy, until all the Opium contained therein shall have been exported, or sold, when the chest shall be destroyed: Provided that no such Opium shall be removed from the said Office till the person desirous of exporting the same, shall have furnished to the Opium Farmer of the Station, a copy of the said permit, and till after the Port Clearance for the ship, in which the same is intended to be exported, shall have been produced to the said Registrar, or his Deputy; and every person who shall commit a breach of any of the provisions, contained in this Section, shall be liable, on conviction, to a penalty not exceeding One Hundred Dollars.

Delivery by Registrar. Permit to export. Chest emptied. Proviso. Notice to Farmer. Port Clearance. Penalty.

13. Every person who shall receive any such permit as aforesaid, for the exportation of any quantity of Opium less than one chest, and who shall not, upon receiving the same, within the time named therein, cause such Opium to be conveyed to and placed on board of the vessel mentioned in such permit, shall be liable, on conviction, to a penalty not exceeding Two Hundred Dollars, and the Opium, and the vessels and conveyances in which it is contained, shall be seized and forfeited.

Not exporting. Penalty. Forfeiture.

14. The foregoing provisions of this Act shall not apply to the sale of Opium for medicinal purposes by recognized Medical Practitioners, Chemists and Druggists.

Exemption.

Farm of Spirituous Liquors.

15. *Clause* 1.—Every person importing into any of the said Stations any Spirituous Liquors, shall, before landing the same, or any part thereof, deliver, or cause to be delivered, to the Registrar of Imports and Exports of the Station, or his Deputy, a Bill, in form of Schedule B to this Act annexed, or to the like effect, specifying the quantity and description of such Spirituous Liquors, the name of the ship, and the place where the same is intended to be stored, and the time when it is intended to be landed; whereupon the Registrar of Imports and Exports, or his Deputy, shall furnish, without fee, a permit, in the form of Schedule C annexed to this Act, or to the like effect, authorizing the Spirituous Liquors to be landed and stored, in terms of the Bill of Specifications; which permit shall include all the particulars required in the Bill of Specifications: Provided always, that if the said Spirituous Liquors, or any portion thereof, are intended for use, or consumption, in the premises of the importer, where they may be stored on importation, he shall, before receiving the permit, make a declaration in the form of Schedule I to this Act annexed, or to the like effect, signed by him, to that effect, and shall pay to the Spirit Farmer for the quantity so intended to be used, or consumed, the duty leviable under this Act.

Import of Spirits. Bill of Specifications. Permit to land. Proviso. Use on premises. Payment of duty.

Clause 2.—When the permit for landing is received by the importer, he shall forthwith, and before landing, or removing, the Spirituous Liquors, or any portion thereof, furnish to the Spirit Farmer of the Station a copy of the said permit, and the Spirituous Liquors shall be landed and stored, in terms of the landing permit: any person offending against any of the provisions of this Section, shall be liable, on conviction, to a penalty not exceeding Five Hundred Dollars, and the Spirituous Liquors shall be seized and forfeited.

Landing Spirits. Notice to Farmer. Penalty.

16. Whenever any ship shall arrive at any of the said Stations, having on board Spirituous Liquors not entered on the ship's manifest, and not forming part of the ship's stores, or provisions placed on board by the owner, charterer, or other person, for the use of the officers, passengers and crew of such ship; the master, supercargo, or other person having charge or control over such Spirituous Liquors shall, within twenty-four hours after the arrival of any such ship, cause the said Spirituous Liquors to be landed and stored in the Office of the Registrar of Imports and Exports, in the manner provided by Section 15 of this Act, for the landing of Spirituous Liquors, and such Spirituous Liquors shall remain in the said Office till the departure of the said ship, when they shall be exported in manner provided by Section 18 of this Act: Provided, however, that such Spirituous Liquors, or any portion thereof, may be sold, or removed from the said Office, subject to the provisions of this Act for the removal, sale and export of Spirituous Liquors, and for the payment of duty thereon; any person convicted of an offence, contrary to the provisions of this Section, shall be liable to a penalty not exceeding Two Hundred Dollars, and such Spirituous Liquors shall be seized and forfeited.

Spirits on board ships. To be landed. Exporting. Proviso for sale. Penalty. Forfeiture.

17. Every Importer desirous of removing any Spirituous Liquors, from the place where they shall have been stored, on importation, shall apply in writing, in form of Schedule K to this Act annexed, or to the like effect, to the Spirit Farmer of the Station, stating the quantity and description of the Spirituous Liquors, the time of removal, the place to which they are to be removed, and the person or persons into whose premises they are to pass, and except when the Spirituous Liquors are to be removed for exportation, as is next hereinafter provided, shall pay, or cause to be paid, to the said Spirit Farmer, the sum of fifty cents of a Dollar for every gallon of

Removal of Spirits from place of Import storing. Application to Farmer. Payment of duty.

such Spirituous Liquors, and if in bottles, the sum of fifty cents of a Dollar for every four quart bottles, or eight pint bottles, and a proportionate sum for any lesser quantity; whereupon the said Spirit Farmer, if the application is made between the hours of six in the morning and six in the evening, shall deliver to such person, without fee, a written permit to remove the same, in the form of Schedule L to this Act annexed, or to the like effect.

Permit for removal.

18. Whenever it is intended to export any Spirituous Liquors from any of the said Stations, the intending exporter shall furnish to the Registrar of Imports and Exports of the Station, or his Deputy, a Bill, in the form of Schedule E to this Act annexed, or to the like effect, specifying the quantity and description of the Spirituous Liquors, the owner's name, the name of the ship and of the place to which they are to be exported, and the time of removal; whereupon the Registrar of Imports and Exports, or his Deputy, shall furnish a permit, without fee in the form of Schedule F to this Act annexed, or to the like effect, containing the particulars above required, authorizing the said Spirituous Liquors to be exported by the said applicant; who shall forthwith, and before removing the said Spirituous Liquors, supply to the Spirit Farmer of the Station, a copy of the said permit.

Export of Spirits.

Bill of Specifications.

Permit to export.

Notice to Farmer

Provided always, that if the quantity of Spirituous Liquors to be exported do not exceed three dozen quart bottles, or six dozen pint bottles, it shall not be necessary to apply to the Registrar of Imports and Exports for his permit; but application, as hereinbefore provided, shall be made to the Spirit Farmer, who, in such case, shall grant his permit, in the form above described, without payment of duty, for the removal of the said Spirituous Liquors to the ship in which they are to be exported. Provided further, that the Spirit Farmer shall not be required to grant such permit for exportation till the Port Clearance of the ship in which the Spirituous Liquors are to be exported, shall be produced to him; and provided further, that in the event of any person being desirous of exporting Spirituous Liquors on which the Farmer's duty has already been paid, on proof of such payment, by the person applying, the Spirit Farmer shall refund to the exporter the amount of duty which may have been paid on the quantity of Spirituous Liquors so to be exported, and shall issue his permit for the exportation thereof; and any person, to whom such refund shall have been made, neglecting or omitting to cause the said Spirituous Liquors to be exported, in terms of the said permit, shall be liable, on conviction, to a penalty not exceeding Five Hundred Dollars, and the said Spirituous Liquors shall be seized and forfeited.

Farmer's Permit for three dozen.

Proviso.

Port Clearance.

Proviso.

Duty already paid.

Proof.

Refund.

Not exporting.

Penalty.

Forfeiture.

19. Every person, except as hereinbefore provided in Section 17 of this Act, desirous of removing Spirituous Liquor from one place to another, or from the possession of one person to that of another person, shall apply in writing, in the form of Schedule M to this Act annexed, or to the like effect, to the Spirit Farmer of the Station, stating the quantity and description of Spirituous Liquors, the place to and from which they are to be removed, and the person from and to whose possession they are to be removed, and the time of removal; whereupon the said Spirit Farmer shall grant his permit, in the form of Schedule N to this Act annexed, or to the like effect, without payment of any fee, for the removal: Provided the duty leviable on the said Spirituous Liquors shall have been already paid to the Spirit Farmer of the then current year; the onus of proof of which payment shall rest with the person applying for the permit.

Subsequent removal of Spirits.

Application to Farmer.

Farmer's permit.

Proviso for duty.

Proof of payment.

20. Any person convicted of having landed or exported, or removed, any Spirituous Liquor, contrary to the provisions of this Act, shall be liable, on conviction, to a penalty of One Hundred Dollars for the first offence; to Two Hundred Dollars for the second offence; and Four Hundred Dollars for the third and every subsequent offence; and the Spirituous Liquors and the vessels in which they are contained, shall be seized and forfeited.

Illicit landing, or exporting, or removing Spirits.

Penalty.

Forfeiture.

21. If the Spirit Farmer shall refuse, on application, as hereinbefore provided, to grant his permit for the exportation, or removal, of any Spirituous Liquors, the person requiring such permit, may apply, in writing, to any Justice of the Peace, furnishing him with a copy of the application made to the Spirit Farmer, and such Justice of the Peace, on security being given to his satisfaction for the amount of duty leviable under the provisions of this Act, on the quantity of Spirituous Liquors intended to be removed, shall issue his order, in the form of Schedule O to this Act annexed, or to the like effect, under his hand and seal, authorizing the removal of the Spirituous Liquors, and for which order a fee of One Dollar shall be paid by the applicant, and if the said Farmer shall thereafter be convicted of an offence under the next succeeding Section of this Act, such fee shall be refunded by the said Farmer.

Farmer refusing permit.

Application to Justice of the Peace.

Security for duty.

Order of Justice of the Peace.

Fee for order.

22. The Spirit Farmers at each of the said Stations shall grant their receipt, in the form of Schedule P to this Act annexed, or to the like effect, for every sum of money received by them as duty, under the provisions of this Act, and any Spirit Farmer refusing, without good cause shown, to grant his permit for the exportation, or removal of Spiritu-

Receipts by Farmers.

Refusing permit.

ous Liquors, under the provisions of this Act, or refusing to grant his receipt, as above required, shall be liable, on conviction, to a penalty not exceeding One Hundred Dollars.

Penalty.

23. Any Justice of the Peace at any of the said Stations, on information lodged before him, on oath, by the Spirit Farmer of the Station, or his Agent, that he has reason to believe that Spirituous Liquors imported into the Station, have been removed from the place where the same may have been stored on importation, under the provisions of this Act, without payment of duty to the said Spirit Farmer, may issue his warrant, in the form of Schedule G to this Act annexed, or to the like effect, authorizing the said Spirit Farmer, or his Agent, to enter the place in which such Spirituous Liquors are, or shall have been, stored, and examine the same, and, if it appear that there is any deficiency in the quantity which ought, according to the landing permit of the Registrar of Imports and Exports, and the permits granted for the exportation and for the removal of Spirituous Liquors, to be found stored in such place, the person or persons in whose name the landing permit was issued by the Registrar of Imports and Exports, or his Deputy, may be summoned before any Justice of the Peace of the said Station, and, on proof to his satisfaction that there is a deficiency in the quantity of Spirituous Liquors, such person shall be liable to a penalty not exceeding Five Hundred Dollars, and shall pay to the said Spirit Farmer the duty leviable under the provisions of this Act, on the deficiency: Provided always that such person shall not be held liable for any deficiency arising from leakage or breakage: and provided further, that the Spirit Farmer, or his Agent, in serving such warrant, shall be accompanied by a Police Officer of the rank of Inspector, at least.

Search Warrant.
Information on oath.
Warrant.
To examine Stores.
Deficiency.
Summons.
Penalty.
Duty.
Proviso.
For leakage, &c.
Proviso.
Service of warrant.

24. From the passing of this Act, whoever being a manufacturer of sugar, or whoever being in charge of a place for the manufacture of sugar in the said Settlement, shall be desirous of having a Distillery at his sugar manufactory, for making, or distilling, or rectifying, or compounding Spirituous Liquors, shall apply in writing to the Commissioner of Police of the Station within which such sugar manufactory is situated, for a License; and in such application shall be inserted the name of the applicant, the situation of his manufactory, and the number and size of the stills he is desirous of keeping; and the Commissioner of Police shall grant such License, renewable every year, under his hand and seal, to the applicant, on payment of a fee of Ten Dollars: and such License shall be registered in the Police Office of such Station or place.

Sugar Distilleries.
License.
Fee.
Registry.

25. No licensed Distiller shall be at liberty to sell to any person other than the Spirit Farmer of the Station, or to sell, send out of, or deliver from, his Distillery, for exportation, any Spirituous Liquors in a less quantity than one hundred and sixty imperial gallons, or, if in bottles, in a less quantity than fifty dozen of quart bottles, or one hundred dozen of pint bottles; and every licensed Distiller who shall sell, send out, or deliver, or permit to be sold, sent out, or delivered from his Distillery, any Spirituous Liquors (except as aforesaid) shall, on conviction, for every such offence, be liable to a penalty not exceeding One Hundred Dollars: and such Spirituous Liquors and the vessels in which the same are contained, shall be seized and forfeited.

Distiller, selling, &c.
Selling, &c., for exportation.
160 gallons.
Penalty.
Forfeiture.

26. Every person, other than the Spirit Farmer, or a licensed Distiller, who shall make, or distil, or rectify, or compound, any Spirituous Liquors, or shall knowingly keep, or have in his possession, any still, or other utensil or apparatus, or part of such still, utensil or apparatus, for distilling or making, or rectifying, or compounding Spirituous Liquors, shall, on conviction, for every such offence, be liable to a penalty not exceeding One Hundred Dollars: and all such Spirituous Liquors, and every such still, or other utensil or apparatus, or portion of such still, utensil or apperatus, shall be seized and forfeited, but nothing contained in this or any other Section of this Act shall be construed to extend to distillations for medicinal or scientific purposes.

Illicit distillation.
Having still in possession.
Distilling.
Penalty.
Forfeiture.
Exemption.

27. Every person, other than the Spirit Farmer, or persons duly licensed under the provisions of this Act, for the sale of Spirituous Liquors, who, within the said Settlement, shall sell or purchase, except for exportation, any Spirituous Liquors, on which the duty leviable under this Act shall not have been paid to the Spirit Farmer, and every person as aforesaid, who shall knowingly have in his possession, custody or control, any Spirituous Liquors, sold or purchased, without such payment of duty, shall be liable, on conviction, to a penalty not exceeding One Hundred Dollars for the first offence; and Two Hundred Dollars for the second offence; and Four Hundred Dollars for the third and every subsequent offence; and the Spirituous Liquors with the vessels in which they are contained shall be forfeited: Provided that it shall be incumbent on the person in whose possession any Spirituous Liquor shall be found, to show that the duty leviable under this Act has been paid to the Spirit Farmer.

Dealing in Spirits illicitly.
Having in possession.
Penalty.
Forfeiture.
Proviso onus of proof.

28. All Spirituous Liquors, imported, landed, removed in, or exported from any part of the said Settlements, on account of Her Majesty's Government, are exempt from the operation of this Act.

Exemption for Government.

Farm of Toddy and Bhang.

29. Every owner, renter or occupier of lands within the said Settlement, producing Toddy and Bhang, shall cause the said lands to be registered at the Office of the Collector of Land Revenue of the Station, and shall furnish to the said Collector a statement, in writing, describing the locality of the said lands, and containing full particulars as to the number of trees used for producing Toddy, and the extent of ground cultivated with Bhang, and from time to time as alterations take place in the numbers of such trees, and in the extent of ground so cultivated with Bhang, shall report such alteration to the said Collector, who shall cause the said particulars to be entered in a Book, to be kept for that purpose in his Office, which Book shall, at all reasonable times, be open to the Toddy Farmer, or his Agent, without fee in that behalf: and any person convicted of an offence against the provisions of this Section, shall be liable to a penalty of One Hundred Dollars: Provided further, that, on the trial of any person charged under this Section, the production of an extract from the said Book of Registry, signed by the said Collector of Land Revenue, or his Deputy, shall be proof of the facts stated in the said extract till the contrary be shown by the person charged, and the omission of full and correct entries relating to the lands as to which the charge is made shall be proof against the owner, renter or occupier, that such lands have not been so registered.

Registry of Toddy and Bhang lands.

Particulars.

Registry Book.

Inspection of Book.

Penalty.

Proviso for proof.

30. Any Justice of the Peace on the information on oath of the Toddy Farmer of the Station, or his Agent, that there is good reason to believe that Toddy or Bhang is produced on lands in the said Settlement, not duly registered under Section 29 of this Act, may issue his warrant, in the form of Schedule G to this Act annexed, or to the like effect, authorizing the Toddy Farmer, or his Agent, accompanied in either case by a Police Officer, to enter in and examine such lands, and the Toddy Farmer may apply to any Justice of the Peace for a summons against the owner, occupier or other person in charge of such lands, if not registered, or the person in whose name such lands are registered, to appear at the Police Court at the Station, to answer any charge under Section 29 of this Act, and any person so summoned to appear, on being convicted of an offence against Section 29 of this Act, shall be liable to punishment, as is provided by the said Section: Provided that such Justice of the Peace may issue his warrant, either before or after the issue of such summons, to compel the appearance of any person charged on the information on oath of such Toddy Farmer, or his Agent, with having committed an offence against Section 29 of this Act.

Search Warrant.

To examine lands.

Summons.

Penalty.

Proviso.

31. No person, other than the Toddy Farmer of the Station, shall import or export any Toddy or Bhang into or from the said Station, except in the case of imports for sale to the Toddy Farmer of the Station: and any Toddy or Bhang imported into any of the Stations, shall be at once taken to the principal shop of the Toddy Farmer at the Station, and there sold or delivered to such Toddy Farmer at such price as may be fixed from time to time by the Local Government: Provided always, that if the Toddy Farmer shall refuse to purchase any Toddy or Bhang so imported, the importer shall forthwith export the same: Any person committing a breach of the provisions of this Section, shall be liable, on conviction, to a penalty not exceeding one Hundred Dollars, and the Toddy or Bhang found with such person shall be seized and forfeited.

Import of Toddy and Bhang.

Price.

Proviso.

Export again.

Penalty.

Forfeiture.

32. Every person, within the said Settlement, who shall sell, or offer for sale, except to the Toddy Farmer of the Station, and every person as aforesaid, who shall purchase from any person other than the Toddy Farmer of the Station, of the then current year, or from a licensed Toddy Shop-keeper of the then current year, or who shall knowingly have in his possession any Toddy or Bhang, not purchased by him from such Toddy Farmer, or Registered Toddy Shop-keeper, the burthen of proof of which purchase shall rest on the person charged, shall be liable, on conviction, to a penalty not exceeding one Hundred Dollars, and all such Toddy or Bhang shall be seized and forfeited.

Dealing in Toddy or Bhang.

Having in possession.

Burthen of proof.

Penalty.

Forfeiture.

Places of Public Entertainment where Spirituous Liquors are sold, to be used on the Premises.

33. All Hotels, Inns, Taverns, Eating-Houses, Punch-Houses, and other houses of Public Entertainment in any of the Stations of the said Settlement, in which it is desired to sell Spirituous Liquors, and which are already licensed under any Act of the Legislative Council of India for regulating such places, shall be registered, in a Book to be kept for that purpose, by the Commissioner of Police of the Station, yearly, in the last ten days of the month of April, or at such other time as may be directed by the Local Government: And such Commissioner of Police shall grant a license, in the form of Schedule H to this Act annexed, or to the like effect, to the person desirous of opening or keeping such place of Public Entertainment, authorizing such person to sell, by retail, Spirituous Liquors, under the provisions of this Act, so that the same be used or consumed in the licensed houses in which they may be purchased; and the

Hotels, &c.,

to be registered.

License

to sell for consumption on premises.

said licensed houses may be classed by the Commissioner of Police, with the sanction of the Local Government, in three classes, according to the importance of the establishment, and the quantity of Spirituous Liquors likely to be consumed therein, and for such Licenses, a fee shall be paid, yearly, as follows: that is to say,—

Three classes.

Fees.

For a 1st Class House	... ...	Dollars 100
„ 2nd „	... ...	„ 75
„ 3rd „	... ...	„ 50

and any person, after the 30th day of April in each year or such other time as may be fixed, by the Local Government, for the determination of the Spirit Farmer's privileges, selling Spirituous Liquors in such houses, without having first obtained a License for the year, as required by this section; and any person selling or buying Spirituous Liquors in such houses, and taking the same away from such houses, or allowing the same to be so taken away, shall be liable, on conviction, to a penalty not exceeding Fifty Dollars, and the said Spirituous Liquors shall be seized and forfeited.

Penalty.

Forfeiture.

Licensed Shops for sale of Exciseable Articles.

34. All houses, or shops for the retail sale of Opium, Chandoo, Spirituous Liquors, Toddy and Bhang, shall be registered in a Book, to be kept for that purpose by the Commissioner of Police at each of the said Stations, who shall, subject to the sanction of the Local Government, grant to the applicant a license, under his hand and seal in form of Schedule Q to this Act annexed, or to the like effect, for each shop so to be used, in such numbers and in such situations, as he shall, with the sanction of the Local Government, determine: and before granting any such license, the Commissioner of Police, or his Deputy, shall cause to be read over and explained to the applicant the Rules and Regulations next hereinafter provided for, and the said applicant shall sign his name or make his mark in the presence of the said Commissioner, or his Deputy, in the Book in which the said Rules and Regulations are inscribed, in acknowledgment that the said Rules and Regulations have been read over and explained to him: and a printed copy of such Rules and Regulations shall be posted in a conspicuous place in every such licensed shop: and any person opening or keeping a house or shop, for such purpose without such license, or committing a breach of such Rules and Regulations, shall be liable, on conviction, to a penalty not exceeding One Hundred Dollars.

Licensed shops to be registered.

Licenses.

Numbers and situations.

Acknowledgment of Keeper.

In Book of Rules.

Copy of Rules.

Penalty.

35. The Commissioner of Police, at each of the said Stations, shall, from time to time, with the sanction of the Local Government, draw up and publish Rules for the better management of such houses or shops, and maintaining order therein, the times for opening and shutting the shops, and the signboards or other distinctive marks to be affixed to such houses or shops; and it shall be lawful, at all times, for the Commissioners of Police, their Deputies, and all superior Officers of Police, to be named by the Commissioner in the Rules to be published by them, to enter, without warrant, any of the said licensed houses or shops, purporting to be so licensed, and to arrest and take into custody, without warrant, any persons found in such houses armed, or making a disturbance, or gambling, or committing any breach of the peace: and any person so found armed, or making a disturbance, or gambling, or committing a breach of the peace, shall, on conviction, be liable to a penalty not exceeding Fifty Dollars. A fee of Ten Dollars shall be charged for every such license, to be paid by the person applying therefor, together with such reasonable sum as may be sufficient to cover the cost of the signboard, or other distinctive mark to be supplied to the said shop-keepers by the Commissioner of Police as aforesaid; such charge to be fixed by the Commissioners of Police, with the sanction of the Local Government.

Rules to be framed.

Particulars.

Police visits.

Arrest of

Armed persons, Disturbers, Gamblers, Breakers of the Peace.

Penalty.

Fee for License.

Cost of signboards.

36. The Commissioner of Police at each of the said Stations, with the sanction of the Local Government, may cancel the license of any person licensed to keep a shop, under the provisions of this Act.

Cancelment of license.

37. Any keeper of a licensed shop under this Act, knowingly permitting gambling to be carried on in his shop, or knowingly permitting armed persons to be in his shop, shall be liable, on conviction, to a penalty not exceeding One Hundred Dollars.

Gambling.

Armed persons.

Penalty.

38. Every keeper of an Opium Shop, Spirit Shop, or Toddy Shop, licensed under Section 34 of this Act, who shall sell, or knowingly have in his possession, any Opium, Chandoo, Spirituous Liquors, Toddy or Bhang, which shall not have been purchased from the respective Farmers of the Station, proof of which purchase shall rest with the person charged, shall be liable, on conviction, to a penalty not exceeding One Hundred Dollars, and the Opium, Chandoo, Spirituous Liquors, Toddy or Bhang, shall be forfeited.

Exciseable articles not purchased from Farmers.

Proof.

Penalty.

Forfeiture.

39. Every Farmer, under this Act, and every keeper of any house or shop, registered under this Act, who shall sell, or exchange Opium, or Chandoo, or Opium Dross, Spirituous Liquors, Toddy or Bhang, otherwise than for the coin usually current within the said Settlement, shall forfeit a penalty not exceeding Twenty-five Dollars.

Selling, except for coin.

Penalty.

40. Every person within the said Settlement, who shall deliver to any servant or labourer, any Opium, Chandoo, Opium Dross, Spirituous Liquors, Toddy or Bhang, in consideration of wages or hire due to such servant or labourer, shall forfeit a penalty not exceeding Fifty Dollars.

Exchange for servants' wages.

Penalty.

41. Any Farmer, or person licensed under this Act, who shall knowingly sell, or deliver to any European or Native Soldier, any Opium, Chandoo, or Opium Dross, Spirituous Liquors, or Toddy or Bhang, without having an authority in writing from the Commanding Officer of such Soldier, shall be liable, on conviction, to a penalty not exceeding Fifty Dollars.

Sale to Soldiers.

Penalty.

42. Any person in the said Settlement selling, or offering for sale, Spirituous Liquors, or Toddy, adulterated or compounded in such a manner as to be injurious to health, shall be liable to a penalty not exceeding One Hundred Dollars, and all such injurious articles shall be destroyed.

Adulterated Spirits or Toddy.

Penalty.

Destruction of articles.

43. Any Farmer under this Act who shall, either by himself or by the means of any other person, take from any person who may have committed, or be suspected of having committed a breach of any of the provisions of this Act, any sum of money, or any goods or chattels, or other consideration whatsoever, as a compromise, reward or payment, for not prosecuting such person for such offence, shall be liable, on conviction, to a penalty not exceeding Two Hundred Dollars.

Compounding for offences.

Penalty.

44. No Farmer, or Keeper of a licensed shop for the sale of exciseable articles under this Act, shall sell any exciseable articles near the end of the term of the exclusive privilege of the Farmer, or at any time during such exclusive privilege, so as in either case to authorise the use, by the purchaser, of such exciseable articles at any time after twelve o'clock at noon of the second day of May of each year, or thirty-six hours after such other time as may be fixed for the termination of the exclusive privilege of the Farmer: and any person found with any exciseable articles in his possession which have not been purchased from the Farmer of the term in which the time of seizure of such articles shall happen to be, except for thirty-six hours after expiry of such term as aforesaid, shall be liable to all penalties and forfeitures to which a person may be liable under this Act, if such articles had not been purchased from a Farmer or licensed shop-keeper.

Sale by outgoing Farmers near end of term.

Articles found sold contrary to this Section.

Penalties and forfeitures.

License and Permit Fees.

45. All fees received for registering licenses to keep Opium Shops, under this Act, shall be paid to the Opium Farmer for the time being; and all fees received for registering licenses to keep Spirit Shops and Distilleries and Houses of Entertainment, registered under this Act, for the sale of Spirituous Liquors, and for fees, and permits to remove Spirituous Liquors, under this Act, shall be paid to the Spirit Farmer for the time being; and all fees received for registering Licenses to keep Toddy Shops for the sale of Toddy and Bhang under this Act, shall be paid to the Toddy Farmer for the time being: and all fines and penalties whatsoever, received under this Act, shall, after the adjudication, at the discretion of the Justices of the Peace or Magistrates, of a portion of such fines and penalties to the informer, be paid into the Municipal Fund, established under Act No. XXVII of 1856 *(for appointing Municipal Commissioners, and for levying rates and taxes, in the several stations of the Settlement of Prince of Wales' Island, Singapore and Malacca)*, or that may be established by any future Act, of the Station at which such fines and penalties shall be imposed, to be applied to the general purposes of the said Act: and all articles subject to restriction, under this Act, seized and forfeited, when the same shall not be ordered to be destroyed as unwholesome, shall be given to the Farmer prosecuting the case.

Fees for Licenses to Farmers.

Fines and Penalties.

Informer's share. Municipal Fund.

Forfeitures for Farmers.

Revenue Officers.

46. The Commissioner of Police at each of the Stations in the said Settlement may grant his warrant, in form of Schedule R to this Act annexed, or to the like effect, to such Agents or servants of the several Farmers named in this Act, as may be approved of by the said Commissioner of Police, with the sanction of the Local Government, to act as Revenue Officers at the Station in which they be appointed: and no persons, except those so appointed, and except the members of the Police Force enrolled under the provisions of Act No. XIII of 1856 *(for regulating the Police of the towns of Calcutta, Madras and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore and Malacca)*, or any Act to be hereafter passed to the same effect, shall be competent to act as Revenue Officers under this Act: and such warrants may at all times be withdrawn by the Commissioner of Police, with the sanction of the Local Government, and any person, other than a Police Officer, assuming to act as a Revenue Officer, under this Act, and not holding such warrant, shall be liable, on conviction, to a penalty not exceeding Fifty Dollars. The names and places of residence of every Revenue Officer so appointed, shall be posted in a conspicuous place at the Police Courts of the Station.

Warrants to act.

To approved persons.

Acting without warrant.

Police Officers.

Withdrawing of warrant.

Penalty.

Names to be posted.

47. Every Revenue Officer appointed under this Act, shall be supplied, at the expense of the Farmer requiring his appointment, with a brass plate or staff, bearing such sign or mark of office, as may be directed by the Commissioner

Badges for Revenue Officers.

of Police, with the sanction of the Local Government: and before acting against any person, under the provisions of this Act, every such Revenue Officer, shall declare his office and produce to the person against whom he is about to act, his said sign or mark of office. Every Police Officer, acting under the provisions of this Act, if not in the uniform proper to his service, shall, in like manner, declare his office and produce to the person against whom he is about to act, such part of his public equipment as the Commissioner of Police shall have directed, or may direct, to be carried by Police Officers when employed in secret or special service: and any person who shall, after production of such sign or mark, or equipment of office, obstruct any such Police or Revenue Officer in the exercise of his duties under this Act, shall be liable, on conviction, to a penalty not exceeding Fifty Dollars.

Rules for acting.

Revenue Officers.

Police Officers.

Obstructing Officers.

Penalty.

48. Any person, who, as aforesaid, shall assault or beat any such Police or Revenue Officer, while so, as aforesaid, in the execution of his duty, under the provisions of this Act, shall be liable, on conviction, to a penalty not exceeding One Hundred Dollars: and it shall be lawful for such Officers so resisted to oppose force to force and to execute their office or duty.

Assaulting Officers.

Penalty.

Opposing force to force.

49. Every Police or Revenue Officer, who shall extort, or attempt to extort, or take from any person, any money or valuable consideration as a bribe, under pretence of this Act: and every person who shall offer to any Police or Revenue Officer any such bribe, and every Police or Revenue Officer who shall, maliciously and without reasonable grounds, arrest or detain any person under the provisions of this Act, or who shall not, with the least practicable delay, take any person so arrested before some Justice of the Peace for examination, shall be liable, on conviction, to a penalty not exceeding Fifty Dollars.

Extortion.

Bribery.

Malicious charges.

Delay in going before Justice of the Peace.

Penalty.

Procedure.

50. Any Justice of the Peace within the said Settlement may, by his warrant, in the form of Schedule S to this Act annexed, or to the like effect, directed to any Police Officer within the said Settlement, or to any Revenue Officer or Officers, appointed in manner hereinbefore mentioned, empower him by day or by night (but if between the hours of six o'clock in the night and six in the following morning, then such warrant to be executed by, or in the presence of, a Peace Officer), to enter and search any dwelling-house, shop, or other building, or place, or any ship lying, or being within the local limits of the jurisdiction of the Court of Judicature in any case, in which there shall appear to such Justice of the Peace, upon the oath of any person, good and sufficient cause to believe that, in any such dwelling house, shop or other building, or other place, or on board any ship, lying or being within the local limits of the jurisdiction of the said Court, is concealed or deposited any article subject to forfeiture under this Act: and to take possession of any such article found to be concealed or deposited therein, and of all utensils used for preparing Chandoo, or plainly intended for such use, and all stills, or other apparatus used for distilling Spirituous Liquors, or portions of stills or apparatus plainly intended for such use, and to arrest and take any person or persons being in such dwelling-house, shop or building, or other place, or on board any ship, lying or being within the local limits aforesaid, in whose possession, custody or control, any such article may be found, or whom the said Officer or Officers may have good and sufficient reason to suspect have concealed or deposited therein any such article, and any Officer to whom such warrant shall be directed, may, in any case of resistance, break open any outer or inner doors of such dwelling-house, shop or other building, or other place, and enter thereinto, and forcibly enter any ship, lying or being within the local limits aforesaid, and remove by force any obstruction to such entry, search, seizure and removal as aforesaid: Provided always, that all informations to be laid, and all warrants to be issued, and all arrests and seizures to be made under this Act, may be had or done on a Sunday, as well as on any other day.

On land.

At sea.

Information.

Contraband articles.

Utensils.

Arrest on suspicion.

Break open doors.

Entry on ship.

Seizure

51. If any person shall be found committing any act in breach of this Act, or if any Peace or Revenue Officer shall have probable cause to believe that any person has concealed upon his person any article subject to forfeiture under this Act, such Peace or Revenue Officer may immediately arrest such person, without a warrant, and shall thereupon immediately take such person before some neighbouring Justice of the Peace, who shall determine if there be reasonable grounds of suspicion, and such Justice of the Peace may direct such person to be immediately searched, and such Justice of the Peace, if he sees grounds for believing that an offence has been committed against the provisions of this Act, shall thereon admit the person so charged to bail, on his recognizance, in form of Schedule T to this Act annexed, or to the like effect, with such securities as to the said Justice of the Peace shall seem sufficient, to appear before him or some other Justices of the Peace or Magistrate of Police, at a Police Court at the Station, to answer the charge, and if the person so charged shall not give such security for his appearance, such Justice of the Peace shall issue his order in writing, in the form of Schedule V

Offences on view.

Concealment on person.

Arrest.

Search by Justice of the Peace.

Bail.

Commitment in default of bail.

to this Act annexed, or to the like effect, directing the person so charged before him to be taken to the principal Police lock-up at the Station with any articles subject to forfeiture under this Act, found or said to have been found with such person, and there to be kept till bail be given to the satisfaction of the same, or any other Justice of the Peace, for the appearance of such person, to stand his trial for the offence charged at a Police Court in the Station, and in the default of such bail, to be kept in the said lock-up till the trial of the offence: Provided that no person so kept for want of bail shall be detained for any period exceeding two days: and if any person who shall have entered into recognizance to appear as above, shall not appear, as required, the Justices of the Peace or Magistrate, before whom he was to have appeared, shall, on application, certify such non-appearance on the back of such recognizance, whereupon the sum thereby acknowledged to be due, shall be recoverable in the manner provided by this Act, for levying penalties.

Detention.

Proviso, time of detention.

Default of appearance

Summary procedure.

52. It shall be lawful for any Justices of the Peace or Magistrate, before whom a charge shall be laid against any person for a breach of any of the provisions of this Act, on being satisfied that a summons has been duly served on the person charged to appear to answer the charge, or in case the person charged shall have been admitted to bail, to appear, and in either case, such person shall not appear, according to the exigence of the summons or bail bond, and no sufficient cause shall be shown for such non-appearance, to proceed to the hearing of the charge, as if such person charged were present.

Proceeding *ex parte*.

53. It shall be lawful for the Local Government to direct the suspension and withdrawal of any charge or proceedings before any Justices of the Peace or Magistrate, under this Act, and to cancel and annul and reverse in whole or in part, any order, charge, conviction, or other proceeding under this Act, and to direct the refund of the whole or any part of any fine or penalty, and the restoration of the whole or any portion of any articles ordered to be forfeited to any person from whom the same may have been taken, and to remit the whole or any part of any sentence of imprisonment passed under this Act.

Remission of sentences.

54. All penalties under this Act may be imposed on conviction of the offender, by confession of the offender, or by the oath of one or more witnesses, before two Justices of the Peace or a Magistrate of Police, at a Police Court in the Station: and in case of non-payment of any penalty imposed or forfeited under this Act, the convicting Justices or Magistrate may issue their Warrant of Distress, in the form of Schedule W to this Act annexed, or to the like effect, under their hands and seals, directed to any Peace Officer to levy the amount of such penalty, by seizure and sale of any goods of the offender which may be found within the jurisdiction of such Justices or Magistrate: and if no such property shall be found within such jurisdiction, then the aforesaid Justices or Magistrate, by warrant under their hands and seals, in the form of Schedule X to this Act annexed, or to the like effect, may commit the offender to prison, with or without hard labour, for any period not exceeding two calendar months, where a pecuniary penalty of Twenty-five Dollars shall be imposed, and in the same proportion for any greater penalty which shall be imposed: Provided always, that in case it shall appear to such Justices of the Peace or Magistrate, by the confession of the offender, or in any other manner, that he has no goods whereon to levy such distress, then and in every such case, it shall be lawful for such Justices of the Peace or Magistrate, if they shall deem it fit, instead of issuing such Warrant of Distress, by warrant under their hands and seals, in the form of Schedule Y to this Act annexed, or to the like effect, to commit the offender to prison, with or without hard labour, for any period not exceeding two calendar months, where a pecuniary penalty of Twenty-five Dollars shall be imposed, and in the same porportion for any greater penalty which shall be imposed: Provided always, that in no case shall the term of imprisonment exceed two years.

Warrant of Distress

Commitment in default of distress.

Form of warrant of commitment.

Periods of imprisonment.

Commitment without distress.

Warrant of commitment.

Commutation of penalties.

55. All convictions under this Act may be in the form of Schedule Z to this Act annexed, or to the like effect, and no conviction or order shall be quashed or set aside for want of form or otherwise, and no warrant of commitment shall be held void, by reason of any defect therein: Provided it be alleged therein that the party charged has been convicted of the offence and to the punishment set out in the warrant of commitment: Provided there be a conviction as aforesaid to that effect, and no conviction or order under this Act shall be removed by *certiorari*, or otherwise, into the Court of Judicature, except as next hereinafter mentioned.

Form of conviction

not to be quashed for formal defects, &c.

Certiorari.

56. If any person shall feel himself aggrieved by any adjudication made by such Justices of the Peace or Magistrate of Police, such person shall, within one week from the day of the said adjudication, give notice, in the form of Schedule AA to this Act annexed, or to the like effect, to the Justices of the Peace or Magistrate, who shall have adjudicated, and to the opposite party of his intention to appeal, stating in such notice the grounds of appeal, whereupon the said Justices of the Peace or Magistrate shall cause a transcript of the proceedings, including the charge, the evidence, and the adjudication, conviction, or order, to be drawn up in the form of Schedule BB to this Act annexed, or to the like effect, and as soon as reasonably conve-

Appeal.

Week's notice.

Grounds of Appeal.

Transcript to be sent

nient to be transmitted, certified under their hands and seals, to the Court of Judicature at the Station: Provided always, that no such proceedings in appeal shall be allowed, till the person desiring to appeal, shall have lodged a sum sufficient to cover the costs of preparing the transcript, not exceeding the sum of six cents per folio of ninety words, contained in the said transcript, and shall have given security to the satisfaction of the said Justices of the Peace or Magistrate, in any sum not exceeding Two Hundred Dollars to answer for the costs of the said appeal, to be taxed by the proper Officer of the said Court of Judicature, and further security for the due payment of any penalty adjudicated or to be adjudicated in appeal against the person desiring to appeal: and provided further, that if any person desiring to appeal, shall have been sentenced to imprisonment, with or without hard labour, it shall be lawful for the said Justices of the Peace or Magistrate, to have brought before them in custody, such person, by their order, in form of Schedule CC to this Act annexed, or to the like effect, under their hands and seals addressed to the Sheriff of the said Settlement, or to the Keeper of the Jail or House of Correction, or other place in which such person may be confined, who shall thereupon produce or cause to be brought before the said Justices of the Peace or Magistrate of Police, the person required by the said order to be produced before them, and they shall admit such person to bail, on good and sufficient security being given to their satisfaction, for the surrender of such person after the hearing of the appeal, to undergo his said sentence, or to pay his penalty and costs, or to be discharged: and if any person so bound over to appear, shall not thereafter, in pursuance of the terms of the bail bond, so appear and undergo the sentence or pay the penalty and costs required, such recognizance may be forfeited by any Justices of the Peace or Magistrate of Police, sitting at the said Court, and on such non-appearance being certified on the back of the said bail bond, the amount thereof shall be levied on the goods and effects of the defaulter and his sureties in the manner provided by this Act for the levy of fines and penalties, and such security for costs or for the payment of any penalty shall be in the form of Schedule DD to this Act annexed, or to the like effect.

to Court of Judicature.

Deposit for costs of transcript.

Security for costs.

Security for judgment.

Respite of sentence.

Order to bring up persons in prison.

Bail.

Default of appearance.

Summary procedure.

Form of security.

57. On the transmission of the said transcript, the said appeal shall be entered on the list of cases for trial on the civil side of the said Court, and shall be disposed of with the other business before the said Court, subject to such rules, as to time and order of hearing, as may from time to time be made by the Judges of the said Court. The Judges of the said Court shall give judgment in the said appeal after hearing the parties, or their Advocates or Law Agents, and may affirm or reverse or alter the adjudication of the said Justices of the Peace or Magistrate, with or without costs to be paid, as shall be ordered by the said Judges, as justice may seem to require: Provided always, that the said Judges may order the witnesses examined or tendered for examination in the Police Court, in the cases on either side, to be further examined, if it shall appear to them to be necessary for the due determination of the appeal, and the Registrar of the said Court shall immediately, on the determination of the said appeal, certify under his hand and seal to the said Justices of the Peace or Magistrate, the judgment of the said Court on such appeal, whereupon the said Justices of the Peace or Magistrate shall forthwith put into execution the said judgment: Provided always, that no such adjudication shall be overruled or altered, by reason of defect of form in the charge, evidence, or adjudication or other proceeding, nor otherwise than on the merits of the case, so as substantial justice shall best be attainable and without reference to form.

Appeal to be entered on list.

Rules for hearing appeals.

Judgment of Court.

Costs.

Further evidence.

Registrar of Court to certify the judgment of Court.

Execution of judgment.

No appeal for mere defect of form.

58. On any trial before any Justices of the Peace or Magistrate, and in any proceedings on appeal in the Court of Judicature, relating in any of the above cases to any seizure of contraband articles under this Act, it shall be lawful for the Judges of the said Court and for the Justices of the Peace and Magistrate, and they are hereby respectively authorized and required, to proceed to trial and hearing of appeals on the merits of the case without reference to matters of form, and without enquiring into the matter or form of making any seizure.

Seizures not to be enquired into.

Trials to be on merits.

59. All actions and prosecutions against any person, which may be lawfully brought for any thing done under the provisions of this Act, shall be commenced within three months after the act complained of shall have been committed, and not otherwise; and notice in writing of such action, and of the cause thereof shall be given to the defendant, one month, at least, before the commencement of the action; and in every such action, it shall be expressly alleged in the petition of complaint, that the act complained of was done maliciously, and without reasonable or probable cause, and if at the trial of any such action, upon the general issue being pleaded, as hereinafter provided, the plaintiff shall fail to prove such allegation, he shall be nonsuited, or a verdict shall be given for the defendant.

Actions.

Limitation, three months.

Notice of action.

Malice.

Nonsuit.

60. The defendant in any such action may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought, by

Plea of general issue.

Evidence.

Tender of amends.

Payment into Court.

or on behalf of the defendant, and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue any such action, or if upon demurrer, or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs, as between attorney and client, and have the like remedy for the same, as any defendant hath by law in other cases; and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge, before whom the trial shall be, shall certify his approbation of the action, and of the verdict obtained thereupon.

Judgment for defendant.

Full costs.

Judgment for plaintiff.

Judge to certify for costs.

61. All permits required to be granted by the Registrar of Exports and Imports, or any Farmer, and all licenses granted under this Act, shall be exempt from Stamp duties.

Stamp duties.

62. Any person who shall counterfeit, erase, alter or falsify any license authorized to be issued by this Act, or any permit required to be granted by this Act, or who shall alter or publish as true, any such counterfeited, erased, altered or falsified license, knowing the same to be counterfeited, erased, altered or falsified, shall, on conviction thereof, in the Court of Judicature, be punished by imprisonment for any period not exceeding five years, with or without hard labour, or in the discretion of the said Court, shall be liable to a penalty not exceeding One Thousand Dollars.

Counterfeiting Licenses and Permits.

Penalty.

63. The Schedules to this Act annexed, and the directions and forms therein contained, shall be deemed and taken to be parts of this Act, and the several blank spaces in the said forms shall be filled up, as required by the provisions of this Act relating thereto.

Schedules and Forms to be read as part of Act.

Blanks in forms.

Interpretation of Words.

64. *Clause* 1.—In this Act, unless there be something repugnant in the subject or context,—

Interpretation Clause.

"Local Government" shall mean the Governor of the Settlement or other person performing the duties of Governor at the Station in which the Governor or such other person may then be resident, and the Resident Councillors or other persons performing the duties of Resident Councillors at the Stations in which the Governor or such other person may not then be residing.

Local Government.

"Settlement" shall mean the Settlement of Prince of Wales' Island, Singapore and Malacca, with the places now or at any time hereafter to be subordinate or attached thereto, and shall include such portion of the sea along the shores of the said Settlement as may be within the local limits of the jurisdiction of the Court of Judicature of the said Settlement.

Settlement.

"Station" shall mean any one of the Stations of Prince of Wales' Island, Singapore and Malacca, and the places now or at any time hereafter to be subordinate or attached thereto, and shall include such portion of the sea along the shores of the said Station as is within the local limits of the jurisdiction of the Court of Judicature of the said Settlement.

Station.

"Court of Judicature" shall mean Her Majesty's Court of Judicature of the Settlement of Prince of Wales' Island, Singapore and Malacca, and the several Divisions thereof.

Court of Judicature.

"Opium" shall mean any kind of Opium not prepared for smoking, chewing or eating.

Opium.

"Chandoo" shall mean any preparation of Opium or any preparation in which Opium forms an ingredient, used for smoking, chewing or eating.

Chandoo.

"Chandoo Dross" shall mean Chandoo already used for smoking.

Chandoo Dross.

"Spirituous Liquors" shall include Spirits, or distilled waters intended for human consumption, and any liqueur or compound of Spirits with fruit, sugar, honey, or other sweet or bitter principle, or vegetable production.

Spirituous Liquors.

"Toddy" shall mean the juice prepared or unprepared of the cocoanut or other tree of the palm species.

Toddy.

"Bang" shall mean any intoxicating drug or vegetable production other than Opium used for smoking or eating as a stimulant or narcotic in its raw or prepared state, except medical preparations kept and administered by medical practitioners as medicines for the cure or relief of diseased persons.

Bang.

"Importer" shall mean the person who shall take or receive from on board any ship, whether lying within or without the jurisdiction of the Court of Judicature, and who shall bring or cause to be brought to land within the Settlement of Prince of Wales' Island, Singapore and Malacca, any articles subject to duty or restrictions under this Act, and shall also include any person who shall bring or cause to be brought into the said Settlement any such articles by land.

Importer.

"Chest of Opium" shall mean the package with the Opium contained therein, such as it is usually imported by merchants in the said Settlement.

Chest of Opium.

"Ship" shall include every kind of vessel used for the conveyance of persons or things on fresh or salt water.

Ship.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Number.

Words importing the masculine gender shall include females.

Gender.

65. This Act may be cited for all purposes as the Straits Excise Act of 1866.

Short title.

A.

EXCISE REVENUE.

Farmer's Contract.

(Farmer's name) having been declared to be the Farmer of for the term commencing on the day of 18 and ending on the day of 18 and he having offered as sureties for the due fulfilment of the terms of this Contract (or certain real (or personal) estate having been assigned by him to the Local Government as security by way of mortgage, under the provisions of the Act of 18 by the deed annexed to this Contract, or Dollars having been lodged in the Local Treasury by the said Farmer as a deposit). THIS CONTRACT between the Local Government and the said Farmer and his sureties and witnesseth, that all the rights and privileges of Farmer of under the provisions of Act No. of are hereby vested in the said for the aforesaid term. The said (Farmer) and his sureties and for themselves, their executors, administrators and assigns, do hereby covenant and agree to pay to the Local Government, without demand, the sum of Dollars monthly, on the last day of every month, commencing on the day of the month of 18 , and ending on the day of the month of 18 , as the rent of the said Farm, and further covenant and agree that the said Farmer shall well and faithfully observe, perform and fulfil the several provisions, conditions and stipulations contained in the said Act, so far as they relate to the management of the said Farm, or impose any duty or obligation on the said Farmer, in as full and ample a manner, as if the said provisions, conditions and stipulations had been incorporated in this Contract: And they further covenant and agree, that if the said rent or any part thereof be unpaid for the space of days after any of the days on which the same ought to have been paid, or in case of the breach of any of the provisions, conditions and stipulations of the said Act so far as they relate to the said Farm, or the said Farmer, then and in either of such cases, it shall be lawful for the Local Government to determine and put an end to the said rights and privileges and dispose of the same to other persons, and in the event of any loss arising therefrom, they further covenant and agree to make good the said loss to the Local Government: And they further covenant and agree that the said Farmer will make over to such person as may be invested with the rights and privileges of the Farm at for the term next after the term herein provided for, all the stock of exciseable articles, and the machinery and vessels required for preparing such exciseable articles, in the possession of the said Farmer at the end of the term herein provided for, at the marketable value of the said articles, machinery and vessels, and in the event of any difference arising as to the nature and quantity of articles, machinery and vessels so to be made over and the prices thereof, such difference shall be determined by three arbitrators, one to be appointed by the said Farmer, one by the person in whom the said rights and privileges may be vested, or intended to be vested, for the next succeeding term, and one by the Local Government, and the award of such arbitrators or a majority of them shall be final, and the said arbitration, or other settlement, shall be held at such time before the end of the said term, as to the Local Government may seem reasonable. It is further covenanted and agreed that all deposits, as well as all securities given by them, shall be held by the Local Government till all questions between the said Farmer and his sureties and and the Local Government shall be finally disposed of, including matters relating to the transfer of the aforesaid exciseable articles, machinery and vessels, to the incoming Farmer, and it shall be lawful for the Local Government on breach of any of the covenants in this Contract, such breach and the amount of penalty therefor to be held and proved by indorsement on the back of this Contract by the Local Government, stating the breach and the amount of penalty therefor, to sell and dispose of all or any of the deposits on securities made and given under this Contract, without notice to the said Farmer, or his sureties and and to nominate an Officer of the Local Government to execute all conveyances necessary for the transfer of any such securities, and out of the proceeds of such sale and disposition to satisfy and discharge any claims under this Contract against the said Farmer, and his sureties and when the Local Government, after satisfying all such claims, shall return to the said Farmer, the said deposits, or so much thereof as shall remain, and shall surrender all securities held, or the remainder of such securities, or of proceeds of sale of such securities, and this Contract shall be at an end: And it is further covenanted and agreed, that the rights and privileges hereby vested in the Farmer, shall not be assigned to any other person without the consent of the Local Government, and that such assignment, if so allowed, shall not be deemed to relieve the said Farmer and his sureties and from any liability under this Contract, and the said Farmer and his sureties, and

do hereby bind themselves, and any one or two of them, their, and any one or two of their executors, administrators and assigns, in the sum of Dollars
for the due fulfilment by the said Farmer of this Contract.

Signed, Sealed, and *Delivered* at

this day of 18 by

for the Local Government,

and by Farmer and

sureties

In the presence of

STRAITS EXCISE REVENUE.

Form of Mortgage.

I
do hereby assign to the Local Government as security for the due fulfilment of the terms of the Contract for the Farm at for the term commencing the 1st day of 18 and ending the 30th day of 18 under the Straits Excise Act of 1866. All my right, title and interest in the land situate in the District of in and described in Government Grant or Lease No. dated the day of 18 and estimated to contain

and do hereby make over to the Local Government the Title Deeds of the said land. In the event of any breach of the covenants in the said Contract by the Farmer, no proof of which breach or of the amount of penalties, forfeitures, damages and losses arising therefrom, shall be required further than the indorsement of the same on the back of the said Contract, by the Chief Civil Authority in the said Settlement, I do hereby, for myself, my executors, administrators and assigns authorize the Local Government to sell, or otherwise dispose of the land hereby mortgaged, and out of the proceeds thereof to defray any penalties, forfeitures, damages and losses, or other liability to which by the said indorsement, the said Farmer shall have been declared liable, and the balance, if any, to be paid to me, my executors, administrators or assigns. And the Local Government is hereby authorized to appoint an Officer of Government to execute for me, my executors, administrators and assigns all conveyances and instruments necessary for the sale or transfer of the said lands.

In Witness whereof, I have hereunto set my hand and seal this day of in the year 18

Signed, Sealed, and *Delivered,*

In the presence of

B.

EXCISE IMPORTS.

Bill of Specification under Sections 6, 11, 15.

To the Registrar of Imports and Exports at

SIR,

Please to issue a Permit to land from the Ship (chests of Opium or gallons of Spirituous Liquors—name of Liquor, contained in casks—number of bottles—number and description of case or package Chandoo Opium Dross package) within the hours from till on the day of 18 to be stored in the (godown, shop or house) of No. in Street at or the Office of Registrar of Imports and Exports.

Yours, &c.,

Date *Importer.*

A copy of this Permit has been served on me.

(Opium) Farmer.

18

C.

EXCISE IMPORTS PERMIT.

Under Sections 6, 11, 15.

(is) authorized within the hours from till on the day of 18 to land from the Ship (chests of Opium or gallons of Spirituous Liquors—name of Liquor, contained in casks—number of bottles and description of case or package Chandoo Opium Dross package) and (is) required to store the same in the (godown, shop or house) of No. in Street at or the Office of Registrar of Imports and Exports at

Singapore,

Date

Registrar of Imports & Exports.

D.

EXCISE REVENUE—OPIUM.

Notice to remove under Section 6.

To the Registrar of Imports and Exports at

SIR,

Please to issue a Permit for the removal of chests of Opium (marks and numbers) imported from by and stored under your Permit dated the day of 18 in the godown, &c., of situate in at and afterwards removed to the godown, &c., of and thence to the godown, &c., of (as often as may be necessary to set out the several removals) from the godown, &c., of at to the godown, &c., of situate at in

Yours, &c.,

Date

E

EXCISE EXPORTS.

Bill of Particulars under Sections 6, 11, 12, 18.

To the Registrar of Imports and Exports at

SIR,

Please to issue a Permit to export by Ship (chests of Opium or gallons of Spirituous Liquors—name of Liquor, contained in casks—number of bottles—number and description of case or package Opium, Chandoo Opium Dross), within the hours from till on the day of 18 to (destination) the said having been purchased by me from in whose (godown, shop or house) it is now stored (*or* the same being now stored in my godown, shop or house) at the same being now stored in your Office, and sold by me to who is desirous of exporting.

Yours, &c.,

Exporter.

Date

F.

EXCISE EXPORTS PERMIT.

Under Sections 6, 11, 12, 18.

A copy of this Permit has been served on me.

Farmer.

(is) authorized to export by Ship to (chests of Opium or gallons of Spirituous Liquors—name of Liquor, contained in casks—number of bottles—number and description of case or package Chandoo Opium Dross) within the hours from till on the day of 18 , the said ( ) having been purchased by the exporter from the same being now stored in the (godown, shop or house of situated at the same being now stored in my Office) and sold to who is required to export in terms of this Permit.

Registrar of Imports and Exports.

Date

Date

G.

FORM OF SEARCH WARRANT.

Under Sections 8, 23, 30.

To the (Opium) Farmer or any Revenue Officer duly appointed under Act of or any Police Officer.

To Wit.

Whereas it appears to me, A B, one of Her Majesty's Justices of the Peace for the said Station, by the information on oath of that he hath good reason to believe and doth believe that (Opium or Spirituous Liquors) have been removed contrary to the provisions of this Act, from the (godown, store or house) of situated in (or that Toddy or Bang is now being grown and prepared contrary to the provisions of this Act, in the land of situated at).

These are, therefore, to authorize and require you, to enter in the day-time, with a Police Officer of this Station, of the rank of Inspector at least, the said and therein take an account in writing of all (Opium or Spirituous Liquors) found in the said (godown, store or house, or of all trees used for producing Toddy, and measure the quantity of land used for the growth of Bang), and thereafter bring before me, or some other of Her Majesty's Justices of the Peace at the said Station, at the Police Court, at the said account in writing within days, from the date hereof, and herein fail not.

Given under my hand and seal, at this day of 18

(Signed)

Justice of the Peace

H.

EXCISE REVENUE LICENSE.

Under Section 33.

A fee of Dollars (100) has been paid for this license.

Commissioner of Police.

(1st Class).

Keeper of Hotel, situated in at duly licensed under Act of is hereby authorized under the provisions of the Straits Excise Act of 1866 to sell Spirituous Liquors in the said (Hotel), so that the same be used and consumed on the premises.

(Signed)

Commissioner of Police.

Date

I.

EXCISE SPIRITUOUS LIQUORS.

Declaration by Importer under Section 15.

To the Spirit Farmer at

Take Notice, that of the quantity of
landed by me on the at
from the Ship and now stored in
I hereby declare gallons bottles
to be intended for use where stored and tender to you the sum of Dollars,
being for the duty payable on the same under Act of

Date *Importer.*

K.

EXCISE SPIRITS.

Notice to remove under Section 17.

To the Spirit Farmer at

Take Notice, that I desire to remove under Section 17 of the Straits Excise Act of 1866 gallons bottles of contained in imported by on the day of 18 ex-ship and now stored in at and I hereby tender to you payment of being the amount of duty chargeable on the same, and require from you a Permit for the removal of the same from ( ) to the godown, shop or house of situated at (or if duty already paid) the duty on the said having been already paid by the Importer (giving the name).

Yours, &c.,

Date *Importer.*

L.

EXCISE SPIRITS.

Permit to remove under Section 17.

(is) authorized to remove under Section 17 of the Straits Excise Act of 1866, from ( ) to ( ) gallons bottles of contained in (package) imported by on the day of 18 , ex-ship and now stored in and I acknowledge to have received from the sum of Dollars being the amount of duty chargeable on the same.

Date *Spirit Farmer.*

M.

EXCISE SPIRITS.

Notice to remove under Section 20.

To the Spirit Farmer at

SIR,

Please to issue your Permit for the removal under Section 20 of Act of 1866, of gallons, &c., cases containing bottles, &c., of (name of Spirituous

Liquors) imported and stored by in the godown of at and thence removed duty paid under your Permit, dated the day of 18 . to the godown, &c., of at (state any further removals and dates of Farmer's Permits) where the said now lies, to the godown, &c. of at

Yours, &c.,

Date

N.

EXCISE SPIRITS.

Permit to remove under Section 20.

is hereby authorized to remove (state as in application) from the godown, &c., of at
to the godown, &c., of at
Duty on the said Spirituous Liquors having been paid by

Date *Spirit Farmer.*

O.

EXCISE SPIRITS.

To Wit. }

Order to remove under Section 21.

Whereas application has been made to me, one of Her Majesty's Justices of the Peace for the said Station, for an order to remove (here state full particulars as required by Section 20) by (name of applicant) . and whereas security to my satisfaction has been given by the said (applicant) for the amount of duty chargeable on the quantity of Spirituous Liquors intended to be removed. These are, therefore, to authorize the removal of (here state particulars) now stored in the godown of at to the godown of at there to be kept till further authorized to be removed under the provisions of the Straits Excise Act of 1866.

Given under my hand and seal, at this day of 18 .

Justice of the Peace.

P.

EXCISE SPIRITUOUS LIQUORS.

Receipt by Spirit Farmer under Section 22.

I hereby acknowledge to have received from the sum of Dollars being the sum payable as duty under the Straits Excise Act of 1866, for gallons bottles of declared to be for use where stored by the said in the godown of at

Date *Spirit Farmer.*

Q.

EXCISE REVENUE LICENSE.

Under Section 33.

A fee of Dollars has been received for this License.

Commissioner of Police.

is hereby authorized to keep a licensed shop for the sale of (Chandoo, &c., Spirituous Liquors or Toddy and Bang) at (No. Street Town (or in the village or district of) subject to the Rules and Regulations in that behalf, which Rules and Regulations have been read and explained to the said

Given at this day of 18

Commissioner of Police.

R.

EXCISE REVENUE.

Appointment of Revenue Officer under Section 45.

of in

is hereby, with the sanction of the Local Government, appointed to be a Revenue Officer, under the Straits Excise Act of 1866, and is hereby vested with all the rights, powers and immunities of such office under the provisions of the said Act.

Date *Commissioner of Police.*

S.

FORM OF SEARCH WARRANT.

Under Section 50.

To the Peace Officer or Officers within this Settlement, or to the Revenue Officer or Officers appointed according to the provisions of the Straits Excise Act of 1866.

To Wit. } Whereas it appears to me, *A B*, one of Her Majesty's Justices of the Peace for the said *Station*, by the information on oath of *C D*, that he has good cause to believe and doth believe that articles, subject to forfeiture under the provisions of the Straits Excise Act of 1866, are concealed or deposited in the *dwelling house, shop, or other building, or place of E F or on board the ship* now lying or being within the limits of the jurisdiction of the Court of Judicature of the said *Settlement*. These are, therefore, in the name of our said Lady the Queen, to authorize and require you, with necessary and proper assistants, to enter in the day-time into the said *dwelling house, shop, or other building, or place of the said E F or on board the ship* now lying or being within the limits of the jurisdiction of the Court of Judicature in the said *Settlement*, and there diligently to search for the said articles, and also to authorize and require you, if a Peace Officer, and if not, in the presence of a Peace Officer, to enter in the night-time (that is to say, at any time between the hours of 6 o'clock in the evening and 6 in the following morning) in the said *dwelling house, shop, or other building, or place of the said E F or on board the ship* lying or being within the limits of the jurisdiction of the Court of Judicature in the said *Settlement*, and there diligently search for the said articles, and if the same shall be found upon such search, that you seize and take possession of the said articles so found, and also the body or bodies of any person or persons being in the said *dwelling house, shop, or other building, or place, or on board the ship* lying or being within the limits of the jurisdiction of the Court of Judicature in the said *Settlement*, in whose possession, custody or control any such articles may be found, or whom you may have good and sufficient reason to suspect had concealed or deposited therein any such article, and to bring the said articles and person or persons before me the said *A B* or some other of the Justices of our said Lady the Queen, assigned to keep the peace in the Settlement aforesaid, to be disposed of and dealt with according to law.

Given under my hand and seal at in the year

(Signed) A B,
Justice of the Peace.

T.

EXCISE REVENUE.

Recognizance under Section 51.

To Wit. } Be it remembered that (person charged) and (sureties) appeared before the undersigned, one of Her Majesty's Justices of the Peace for this *Station*, and acknowledge themselves severally, as well as jointly, to be indebted to the Commissioner of Police at this *Station*, or his successor in office, in the sum of Dollars to be levied in a summary manner, by distress and sale of the goods and effects of the said severally, as well as jointly, under the provisions of Section 53 of the Straits Excise Act of 1866.

The condition of the above recognizance is such, that if the above bounden shall be and appear at the Police Court at on next, the

day of 18 to be further dealt with according to law, and shall not depart therefrom without leave till lawfully discharged or convicted, then this recognizance to be void and of no effect, otherwise to stand in full force and virtue.

Taken and acknowledged before me,

Date *Justice of the Peace.*

V.

WARRANT OF COMMITMENT.

Under Section 51 *of the Straits Excise Act of* 1866.

To Wit. } Whereas and have been brought before me, one of Her Majesty's Justices of the Peace for the Station by Revenue Officer appointed or by (a Police Officer) charged with (here state charge).

And whereas it appears to me that there is good reason to believe that an offence has been committed, for which the said ought to answer at the Police Court : and whereas the said has not found bail to my satisfaction to appear to answer the said charge :

These are, therefore, to authorize and require (the said Revenue Officer) to take the said (prisoners) to the principal Police Lock-up at there to be detained till (he) shall be brought before the Justices of the Peace, at the Police Court at to answer to the charge there to be preferred against (him) unless (he) shall before that time give bail to the satisfaction of any of Her Majesty's Justices of the Peace at this Station, for (his) appearance at the Police Court as aforesaid.

Witness my hand and seal, this day of 18

Justice of the Peace.

W.

FORM OF DISTRESS WARRANT.

Under Section 54.

To the Peace Officers, or to any Peace Officer of the said Station.

To Wit. } Whereas *A B* of has been on the day of 18 duly convicted before us (*C D* and *E F*, two of Her Majesty's Justices of the Peace, or *G H*, Magistrate of Police) for the said *Station* of the offence of

against the form of the Act of in that case made and provided, and was thereupon adjudged by us that he the said *A B* had forfeited the sum of Dollars for the offence aforesaid: and whereas the said *A B* being required to pay the said sum hath not paid the same, but therein has made default: These are to command you to distrain the goods and chattels of the said *A B* which may be found within this *Station*, to the amount of the said sum, and such further sum as may be sufficient to defray the charges of making such distress, and if within five days next after such distress, the said sum, together with the reasonable charges for taking and keeping the said distress, shall not be paid, to sell the said goods and chattels, and having paid out of the money arising by such sale the said sum of Dollars to us to be applied, according to the provisions of the said Act of

and having deducted the necessary charges for taking, keeping and selling the said distress, to return the overplus, if any, on demand to the person whom you shall find in possession of the said goods and chattels; and if no such distress can be made that then you certify the same unto us to the end that such further proceedings may be had thereon as to the law doth appertain.

Given under our hands and seals, this day of 18 .

C D,
E F,
Justices of the Peace,
or
G H,
Magistrate of Police.

X.

FORM OF COMMITMENT WHEN IT APPEARS THAT THE OFFENDER HAS NO GOODS WHEREON TO LEVY A DISTRESS.

Under Section 54.

To the Peace Officers, or any Peace Officer, and the Keeper of the Prison of the said Station, or Keeper of the House of Correction at the said Station.

To Wit. Whereas *A B* of was on the day of 18 , duly convicted before us, *C D* and *E F*, two of Her Majesty's Justices of the Peace, or *G H*, Magistrate of Police for the said *Station*, of the offence of

against the form of Act of in that case made and provided, and was thereupon adjudged by us, that he the said *A B* had forfeited the sum of Dollars for the offence aforesaid to be commuted in case of non-payment of the said sum to imprisonment for *with hard labour:* and whereas the said *A B* hath not paid the said sum, but therein hath made default, and it appears to us that the said *A B* has no goods or chattels whereon to levy a distress: These are, therefore, to command you, the said Peace Officers or Peace Officer, to take the said *A B* and him safely to convey to the prison of the said *Station*, and there to deliver him to the said Keeper thereof together with this precept; And we do hereby command you, the said Keeper of the said prison, to receive the said *A B* into the said prison, there to imprison him *with hard labour* for the space of

Given under our hands and seals, at this day of 18 .

C D,
E F,
Justices of the Peace,
or
G H,
Magistrate of Police.

Y.

FORM OF COMMITMENT.

Under Section 54.

To the Peace Officers, or any Peace Officer, and the Keeper of the Prison of the said Station, or to the Keeper of the House of Correction at the said Station.

To Wit. Whereas *A B* of was on the day of 18 , duly convicted before us (*C D* and *E F*, two of the Justices of the Peace, or *G H*, Magistrate of Police) for the said *Station*, of the offence of

against the form of Act of , in that case made and provided, and was thereupon adjudged by us that he the said *A B* had forfeited the sum of Dollars, for the offence aforesaid, to be commuted in case of non-payment of the said sum to imprisonment for *with hard labour:* And whereas we have issued a Distress Warrant to levy the amount of the said sum by seizure and sale of the goods and chattels of the said *A B* within our jurisdiction, and no goods and

chattels of the said *A B* have been found within such jurisdiction, and the said *A B* hath not yet paid the said sum, but therein hath made default: These are, therefore, to command you, the said Peace Officers or Peace Officer, to take the said *A B* and him safely to convey to the prison of the said *Station*, and there to deliver him to the said Keeper thereof together with this precept: And we do hereby command you, the said Keeper of the said prison, to receive the said *A B* into the said prison, there to imprison him *with hard labour* for the space of

Given under our hands and seals at this day of 18 .

C D,
E F,
Justices of the Peace,
or
G H,
Magistrate of Police.

Z.

FORM OF CONVICTION.

Under Section 55.

To Wit. } Be it remembered that, on the day of in the year 18 , *A B* is found guilty before us, *C D* and *E F*, two of the Justices of the Peace, or *G H*, Magistrate of Police for the said *Station*, of the offence of

against the form of the Straits Excise Act of 1866 in that case made and provided: And we do hereby convict him of the offence aforesaid, and do adjudge that he, the said *A B*, hath forfeited the sum of Dollars for the offence aforesaid, to be commuted in case of non-payment of the said sum to imprisonment for *with hard labour.*

Given under our hands and seals, at the day and year first mentioned.

C D,
E F,
Justices of the Peace,
or
G H,
Magistrate of Police.

AA.

EXCISE REVENUE.

Notice of Appeal under Section 56.

In the Police Court at

In the case of
The (Opium) Farmer,
Complainant,
versus
M N,
Defendant.

To *A B*, Esq., and *C D*, Esq., Her Majesty's Justices of the Peace at
or *E F*, Esq., Magistrate of Police at

Take notice, that I intend to appeal to the Court of Judicature against your adjudication in the above-named case, on the following grounds :—that is to say (here state grounds of appeal in full).

Yours, &c.,

Date *Complainant or Defendant.*

BB.

EXCISE REVENUE APPEAL.

Under Section 56.

IN THE COURT OF JUDICATURE OF PRINCE OF WALES' ISLAND, SINGAPORE AND MALACCA.
Division of

In the Matter of
The (Opium) Farmer of
versus

Charge in full (as in Charge Sheet or Summons). Mr. appeared as Law Agent for the Complainant, and Mr. for the Defendant (as the case may be).

The case was called on in the Police Court in on the day of 18 before (Esq., a Magistrate of Police), or two of Her Majesty's Justices of the Peace for the Station, when the Defendant pleaded not guilty, and the following evidence was taken on oath for the prosecution :—(here copy evidence for prosecution).

The Defendant contended (here state shortly the points of defence made by or for the Defendant).

The following evidence was taken for the Defendant :—(here copy evidence for defence).

For the Complainant it was contended that (here state shortly the argument in support of the Complainant's case).

The following adjudication was then made by the undersigned :—(here state decision).
On the day of 18 (the Complainant or Defendant, as the case may be), gave notice to the undersigned of (his) intention to appeal and (has) lodged with (us) the sum of Dollars for the copying of this transcript, and (has) given security to (my) satisfaction in the sum of Dollars to answer the costs of this appeal, and in the further sum of Dollars (the amount of penalty) for the due enforcement of the penalty awarded by (me) or to be awarded by the Court of Judicature, if necessary.

This transcript is therefore in terms of Section 56 of the Straits Excise Act of 1866 transmitted to the Registrar of Her Majesty's Court of Judicature.

Given under (my) hand and seal, at this day of 18

Magistrate of Police,
or
Two Justices of the Peace.

CC.

EXCISE REVENUE.

Order to produce person confined under Section 56.

To the Sheriff of Prince of Wales' Island, Singapore and Malacca, or to the Keeper of the House of Correction at

These are to require you to bring before us or such other Justices of the Peace or Magistrate of Police as may be sitting at the Police Court, on next, the day of 18 the body of (prisoner's name) now in your custody, under warrant of Commitment, dated the day of 18 for an offence against the provisions of the Straits Excise Act of 1866.

Given under our hands and seals, at this day of 18

Justice of the Peace, &c.

DD.

EXCISE REVENUE.

Recognizance of Bail under Section 56.

(Defendant's name and sureties' names) appear before us, and acknowledge themselves severally, as well as jointly, to be indebted to the Commissioner of Police at this Station, or his successor in office, in the sum of Dollars for costs in an appeal by him forwarded under the Straits Excise Act of 1866, and a further sum of Dollars to answer a penalty adjudicated against the first above-named to be levied in a summary manner, by distress and sale of the goods and effects of the said severally, as well as jointly, under the provisions of Section 56 of the Sraits Excise Act of 1866.

The condition of this recognizance is such, that if the above bounden (Defendant) shall, if ordered thereto on appeal by the Court of Judicature, pay the amount of taxed costs of the said appeal (and shall further appear at this Police Court within two days after the hearing and decision of the said Court of Judicature on the said appeal) and surrender himself to undergo any sentence or pay any penalty which may be ordered by the said Court of Judicature on appeal, then this recognizance to be void and of no effect, otherwise to stand in full force and effect.

Taken and acknowledged at the Police Court at this day of 18 .

Justice of the Peace, &c.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

Simla, the 30th October 1866.

The following Bill and Statement of Objects and Reasons accompanying it, are published for general information by order of His Excellency the Governor General, under the 19th of the Rules for the Conduct of Business at Meetings of the Council of the Governor General of India for the purpose of making Laws and Regulations :—

THE ADMINISTRATOR GENERAL'S BILL.

ARRANGEMENT OF SECTIONS.

PART I.—*Preliminary.*

1. Short Title.
2. Repeal of Acts.
3. Interpretation Clause.

PART II.—*Of the Office of Administrator General.*

4. Designation of the three Administrators General.
5. Appointment, suspension, and removal of Administrators General.
6. Qualification of future and continuance of existing incumbents.
7. Administrator General not to be deemed an Officer of High Court.
8. Probates and Letters of Administration granted by Supreme Courts to Ecclesiastical Registrars, to have same effect as if granted to Administrators General.
9. No Administrator General to be an Ecclesiastical Registrar.
   Administrator General not to hold any other office without sanction of Government.
   Proviso.
10. Administrator General not to trade.
    Exception.
11. Security to be given by Administrator General.
    Substitution of security of sureties.
12. No security nor oath to be required by Court from Administrator General.
13. Appointment of Officiating Administrator General.

PART III.—*Of the Rights, Powers, and Duties of the Administrator General.*

(a)—*Grants of Letters of Administration and Probate to the Administrator General.*

14. As regards Administrator General, High Court at Presidency Town to be a Court of competent jurisdiction, wheresoever within the Presidency the assets may be situate.
15. Administrator General entitled to letters of administration, unless granted to next-of-kin of deceased.
    Administrator General entitled to preference of creditor, legatee or friend.
16. When administration of estates of persons other than Hindús, Muhammadans or Buddhists is to be by Administrator General.
17. Upon death of any person leaving assets within local limits, High Court may, if assets are in danger, direct Administrator General to apply for administration.
18. Upon death of any person leaving property within local limits, High Court may, if property is in danger, enjoin Administrator General to collect and hold the same until the right of succession or administration is ascertained.
    Rate of commission payable in such case.
19. Probate to be granted to executor appearing in course of proceedings, taken by Administrator General to obtain administration.

Costs of proceedings taken by Administrator General to be paid out of the estate.

20. If no executor or next-of-kin appear, or give necessary security, letters of administration to be granted to Administrator General.

Administration to effects of deceased Hindús, Muhammadans or Buddhists not to be granted under Section 16, unless required to protect the assets.

Costs of unnecessary application.

21. Administrator General in certain cases to secure and distribute the estates and effects of soldiers.

Proviso.

22. Administrator General not precluded from applying for letters of administration in any case within one month after death of deceased.

23. After revocation, letters of administration granted to Administrator General to be deemed as to him to have been voidable only.

Exception.

Proviso.

24. What payments made or acts done by Administrator General prior to revocation of administration upon production of a will, shall be deemed valid.

25. In what cases Court may recall Administrator General's administration, and grant probate, &c., to executor or next-of-kin.

Unless a will is proved, application to revoke such administration must be made within one year and without needless delay.

26. Costs of obtaining administration, commission, &c., may, on revocation, be ordered by Court to be paid to Administrator General out of the assets.

27. After one year from grant of administration, distribution of assets by Administrator General to be allowed against all claims of which he had no notice.

Persons receiving payments liable to refund.

What to be notice of debt or claim.

28. Letters of administration to be granted to Administrator General in virtue of his office.

Authority given by such letters.

29. Probate granted to Administrator General appointed executor by virtue of his office.

30. Transfer by private executor or administrator of interest under probate or letters of administration.

31. Vesting of estates, &c., in successor to Administrator General.

(b)—Suits by and against Administrator General.

32. Administrator General to sue and be sued in his representative capacity by his name of office.

Suit not to abate by death, etc.

Proviso as to costs.

33. Suits against Administrator General in Courts other than the High Courts in the Presidency Towns.

(c)—Grant of Certificates by Administrator General.

34. In what cases Administrator General may grant certificate.

No certificate to be granted in respect of money in Government Savings Bank.

35. Grant of certificate to creditors.

Proviso.

36. Administrator General not bound to grant certificate, unless satisfied of claimant's title.

37. Certificate with receipt annexed to be a sufficient discharge.

Proviso.

38. Administrator General not bound to take out administration on account of effects, in respect of which he has granted a certificate.

39. Fee for certificate.

(d)—Expenses of the Administrator General's Establishment.

40. Administrator General to defray expenses of establishment, and all other charges not expressly provided for.

(e)—Accounts and Schedules.

41. Administrator General to keep a separate account for each estate, to be open to inspection on payment of fee.

42. Administrator General to furnish half-yearly schedules.

PART IV.—*Of the Audit of the Administrator General's Accounts.*

43. Government to appoint auditors.

44. Auditors to examine schedule and report to Government.

45. Auditors to have power to summon witnesses and to call for books, etc.

Penalty for non-attendance.

46. Costs of preparing schedule, etc., how to be paid.

47. Auditors to report especially to Government if accounts appear not correct.

48. Proceedings upon such report.

49. Costs of reference, etc., how to be defrayed.

PART V.—*Of the Commission of the Administrator General.*

50. Commission to be received by Administrators General.

51. Section 50 not to apply to property of officers and soldiers dying on service, which shall come to hands of Administrator General.

Administrator General only entitled to a commission of three per cent. on gross amount of such property.

52. What expenses, etc., commission is to cover.

How payable.

Commission retained to be deemed a distribution.

53. Commission of Administrators General of Madras and Bombay may be reduced and again raised.

Proviso.

54. Commission or agency not to be charged by executor or administrator other than the Administrator General.

Bequest in favour of executors not affected.

PART VI.—*Miscellaneous.*

55. Government may make and alter rules and orders consistent with this Act—

For custody of assets:

For remittance of money; and

For guidance of Administrator General.

Proviso as to rules now in force.

56. Publication of orders, etc.

57. Orders of Court to have same effect and to be executed in same manner as a decree.

58. Penalty for false evidence.

59. Proceeds of estates unclaimed for fifteen years to be transferred to Government.

60. Mode of proceeding by claimant to recover principal money so transferred.

61. District Judge in certain cases to take charge of property of deceased persons, and to report to Administrator General.

62. Act not to require administration of estates of soldiers, unless Administrator General authorized by Military Secretary.

63. Indian Succession Act and Indian Companies' Act not to affect Administrator General.

Schedule of Acts repealed.

A Bill to consolidate and amend the law relating to the office and duties of Administrator General.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the office and duties of Administrator General; It is hereby enacted as follows :—

PART I.—*Preliminary.*

Short Title.

1. This Act may be called "The Administrator General's Act, 1867."

Repeal of Acts.

2. The Acts and parts of Acts specified in the Schedule hereto are repealed, except so far as they repeal other Acts or Regulations, or parts of Acts or Regulations. All things duly done under any of the Acts or parts of Acts hereby repealed, shall be considered as having been done under this Act.

Interpretation clause.

3. In this Act, unless there be something repugnant in the subject or context—

Presidency of Bengal.

"Presidency of Bengal" includes the territories respectively under the governments of the Lieutenant Governors of Bengal, the North-Western Provinces, and the Punjab, and under the administrations of the Chief Commissioners of Oudh, the Central Provinces, and British Burmah:

Presidency of Madras.

"Presidency of Madras" includes the territories under the government of the Governor of Fort St. George, and also, so far as regards British subjects, Mysore, Coorg and the Hyderabad Assigned Districts.

Presidency of Bombay.

"Presidency of Bombay" means the territories under the government of the Governor of Bombay:

Presidency Town.

"Presidency Town" means the town of Calcutta, Madras or Bombay, as the case may be:

Government.

"Government" means the Governor General of India in Council, so far as the Act relates to the Presidency of Bengal; the person for the time being administering the executive government of the Presidency of Fort St. George, so far as the Act relates to the Presidency of Madras; and the person for the time being administering the executive Government of the Presidency of Bombay, so far as the Act relates to that Presidency.

District Judge.

"District Judge" means the Judge of a principal Civil Court of original jurisdiction.

Letters of Administration.

"Letters of Administration" shall include any letters of administration, whether general or limited, or with a will annexed, and letters *ad colligenda bona:*

Next-of-kin.

"Next-of-kin" includes a widower or widow of a deceased person, or any other person who, by law and according to the practice of the Courts, would be entitled to letters of administration in preference to a creditor or legatee of the deceased:

Officer.

"Officer" means a Commissioned Officer of Her Majesty's Army, or of Her Majesty's Indian Army:

Soldier.

"Soldier" means a soldier of Her Majesty's Army, or European soldier of Her Majesty's Indian Army, including a Warrant and a Non-Commissioned Officer.

Words in the masculine gender include the feminine; and words in the singular number include the plural, and *vice versâ.*

PART II.—*Of the Office of Administrator General.*

Designation of the Administrators General in the three Presidencies.

4. In each of the Presidencies of Bengal, Madras and Bombay, there shall be an Administrator General. The said Adminstrators General shall be called respectively the Administrator General of Bengal, the Administrator General of Madras, and the Administrator General of Bombay.

Appointment, suspension and removal of Administrators General.

5. Such Officers shall be appointed and may be suspended or removed by the authorities hereinafter mentioned respectively, that is to say,—

The Administrator General of Bengal, by the Governor General of India in Council: the Administrator General of Madras, by the Government of Fort St. George; and the Administrator General of Bombay, by the Government of Bombay.

Qualification of future and continuance of existing incumbents.

6. Any person hereafter appointed to the office of Administrator General or Officiating Administrator General of any of the said Presidencies, shall be a member of the Bar of England or Ireland, or of the Faculty of Advocates in Scotland, of not less than five years' standing; but any person now holding such office shall continue to hold the same, subject to the provisions contained in the other Sections of this Act.

Administrator General not to be deemed an Officer of High Court.

7. The Administrator General shall not be deemed in that capacity to be an Officer of any High Court.

Probates and letters of administration granted by Supreme Courts to Ecclesiastical Registrars to have same effect as if granted to the Administrators General.

8. All probates and letters of administration granted by any of the late Supreme Courts of Judicature to the Ecclesiastical Registrar of such Court in virtue of his office, shall have the same effect in all respects as to any act hereafter to be done or required to be done under this Act, as if they had been granted to the Administrator General.

No Administrator General to be Ecclesiastical Registrar.

Administrator General not to hold any other office without sanction of Government.

Proviso.

9. No person now holding the office of Administrator General, or hereafter to be appointed to such office in any of the said Presidencies, shall hold the office of Ecclesiastical Registrar, nor, without the express sanction of Government, any other office, together with that of Administrator General: Provided that the Administrator General of the

Presidency may be appointed Official Trustee under Act No. XVII of 1864: Provided also, that nothing in this Act shall prevent the Administrator General of Bengal from holding the office of Receiver of the High Court of Judicature at Fort William.

Penalty for trading.

10. It is hereby declared to be an offence punishable in manner provided by Section 168 of the Indian Penal Code, for any Administrator General to trade or traffic for his own benefit, or for the benefit of any other person, unless so far as shall appear to him to be expedient for the due management of the estates which shall come into his charge under the provisions of this Act, and for the sole benefit of the several persons entitled to the proceeds of such estates respectively; but this exception is not to be construed to alter the civil liabilities of the Administrator General as trustee of such estates.

Exception.

Security to be given by Administrator General.

11. Unless the Governor General of India in Council or the Government, with the sanction of the Governor General of India in Council, shall otherwise order, every Administrator General hereafter to be appointed shall give security to the Government of India for the due execution of his office, for one lakh of Rupees by his own bond, and for another lakh of Rupees, or for separate sums, amounting together to one lakh of Rupees, by the deposit of Government securities, or by the joint and several bond or bonds of two or more sureties to be approved by Government, or partly by such deposit and partly by such bond or bonds: Provided that every Administrator General may, with the consent of Government, substitute either of the said two last-mentioned kinds of security for another previously given for such last-mentioned lakh, or any part of it; and every Administrator General may, with the consent of Government, and shall from time to time when required by Government so to do, cause fresh sureties to be substituted for any of those previously bound so far as the security shall relate to the due execution of his office for the time then to come.

Substitution of security or sureties.

No security nor oath to be required by Court from Administrator General.

12. No Administrator General shall be required by any Court to enter into any administration bond, or to give other security to the Court, on the grant of any letters of administration to him in virtue of his office; and no Administrator General shall be required to verify, otherwise than by his signature, any petition presented by him under the provisions of this Act.

Appointment of Officiating Administrator General.

13. Whenever any person holding the office of Administrator General shall obtain leave of absence, it shall be lawful for the Government to appoint some person to officiate as Administrator General, and such person while so officiating shall be subject to the same conditions and be bound by the same responsibilities as the Administrator General by any law now in force or that may hereafter be enacted, and he shall be deemed to be Administrator General for the time being under this Act, and shall be liable to give security under Section 11 of this Act in like manner as if he had been appointed Administrator General.

PART III.—*Of the Rights, Powers and Duties of the Administrator General.*

(a)—Grants of Letters of Administration and Probate to the Administrator General.

As regards Administrator General, High Court at Presidency Town to be deemed a Court of competent jurisdiction within meaning of Sections 187 and 190 of Indian Succession Act.

14. So far as regards the Administrator General of any of the Presidencies of Bengal, Madras and Bombay, the High Court of Judicature at the Presidency Town shall be deemed to be a Court of competent jurisdiction within the meaning of Sections 187 and 190 of the Indian Succession Act, 1865, wheresoever within the Presidency the property to be comprised in the probate or letters of administration may be situate.

Administrator General entitled to letters of administration, unless granted to next-of-kin of deceased.

Administrator General entitled in preference to creditor, legatee or friend.

15. Any letters of administration, or letters *ad colligenda bona*, which shall hereafter be granted by the High Court of Judicature at any Presidency Town, shall be granted to the Administrator General of the Presidency, unless they shall be granted to the next-of-kin of the deceased. The Administrator General of the Presidency shall be deemed to have a right to letters of administration in preference to that of any person merely on the ground of his being a creditor, residuary or other legatee, or friend of the deceased.

When administration of estates of persons other than Hindús, Muhammadans or Buddhists is to be by Administrator General.

16. If any person, not being a Hindú, Muhammadan or Buddhist, shall have died, whether within any of the said Presidencies or not, and whether before or after the passing of this Act, and shall have left assets exceeding the value of five hundred Rupees within any of the said Presidencies, and no person shall, within one month after his death, have applied in India for probate of a will, or for any letters of administration of his estate, the Administrator General of the Presidency in which such assets shall be is hereby required, within a reasonable time after he shall have had notice of the death of such person, and of his having left such assets as aforesaid, to take such proceedings as may be necessary to obtain from the High Court of Judicature at the Presidency Town, letters of administration to the effects of such person, either generally or with a will annexed, as the case may require. Whenever the Administrator General of the Presidency shall take proceedings under this Section, it shall be sufficient if the petition required by Section 246 of the Indian Succession Act, 1865, shall state the time and place of the deceased's death to the best of the petitioner's knowledge or belief, that the deceased left some property within the Presidency as hereinbefore defined, and the amount of assets which are likely to come into the petitioner's hands.

17. Whenever any person, whether a Hindú, Muhammadan or Buddhist, or not, shall die leaving assets within the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at the Presidency Town, it shall be lawful for the Court, upon the application of any person interested in such assets, or in the due administration thereof, either as a creditor, legatee, next-of-kin, or otherwise, or upon the application of a friend of any minor who may be so interested, or upon the application of the Administrator General, if the applicant shall satisfy the Court that danger is to be apprehended of the misappropriation of such assets unless letters of administration of the effects of such person are granted, to make an order, upon such terms as to costs as to the Court shall seem fit, directing the Administrator General to apply for letters of administration of the effects of such person.

Upon death of any person leaving assets within local limits, High Court may, on application if assets are in danger, direct Administrator General to apply for administration.

18. Whenever any person, whether a Hindú, Muhammadan or Buddhist, or not, shall have died leaving moveable or immoveable property within the local limits of the ordinary original civil jurisdiction of any of the said High Courts, and such Court shall be satisfied that danger is to be apprehended of the misappropriation or waste of such property, before it can be ascertained who may be legally entitled to the succession to such property, or whether the Administrator General is entitled to letters of administration to such deceased person, it shall be lawful for the Court to authorize and enjoin the Administrator General to collect and take possession of such property, and to hold or deposit or invest the same according to the orders and directions of the Court, and in default of any such orders or directions, according to the provisions of this Act so far as the same are applicable to such property; and the Administrator General shall be entitled to a commission of one *per centum* upon the amount of all moveable assets collected or received by him in pursuance of such order, and also to reimburse himself for all payments made by him in respect of the assets which a private administrator of such assets might lawfully have made; and in case letters of administration of any such property shall be afterwards granted to the Administrator General, the said commission of one *per centum* shall be deemed a part payment of the commission payable to the Administrator General under the letters of administration. Any order of Court made under the provisions of this Section, shall entitle the Administrator General to collect and to take possession of such property, and, if necessary, to maintain a suit for the recovery thereof.

Upon death of any person leaving property within local limits, High Court may, if property is in danger, enjoin Administrator General to collect and hold the same until right of succession or administration is ascertained.

Rate of commission payable in such case.

19. If in the course of proceedings to obtain letters of administration under the provisions of Section 16 or Section 17 of this Act, any executor appointed by a will of the deceased shall appear according to the practice of the Court and prove the will and accept the office of executor, or if any person shall appear according to such practice and make out his claim to letters of administration as next-of-kin of the deceased, and shall give such security as shall be required of him by law or by the practice of the Court, the Court shall grant probate of the will or letters of administration accordingly, and shall award to the Administrator General his costs of the proceedings so taken by him, to be paid out of the estate as part of the testamentary expenses thereof.

Probate to be granted to executor appearing in the course of proceedings taken by Administrator General to obtain administration.

Costs of proceedings taken by the Administrator General to be paid out of the estate.

20. If no person shall appear according to the practice of the Court, and entitle himself to probate of a will, or to a grant of letters of administration as next-of-kin of the deceased, or if the person who shall entitle himself to a grant of administration shall neglect to give such security as shall be required of him by law or according to the practice of the Court, the Court shall grant letters of administration to the Administrator General: Provided that, in the case of an application being made under Section 17 of this Act for letters of administration to the effects of a deceased Hindú, Muhammadan or Buddhist, the Court may refuse to grant letters of administration to any person if it be satisfied that such grant is unnecessary for the protection of the assets, and in such case the said Court shall make such order as to the costs of the application as it shall think just.

If no executor or next-of-kin appear or give necessary security, letters of administration to be granted to Administrator General.

Administration to effects of deceased Hindús, Muhammadans or Buddhists, not to be granted under Section 17, unless required to protect the assets.

Costs of unnecessary application.

21. The Administrator General shall, when duly authorized or required so to do by the Military Secretary to Government, secure and distribute the assets of the estate and effects of any officer, soldier, or other person subject to any Articles of War, in all cases in which such estate and effects do not exceed on the whole five hundred Rupees, charging the estate with a commission of three *per centum* only. It shall not be necessary for the Administrator General to take out letters of administration in cases referred to in this Section.

Administrator General in certain cases to secure and distribute the estate and effects of soldiers.

Proviso.

22. Nothing in this Act is intended to preclude the Administrator General from applying to the Court for letters of administration in any case, within the period of one month from the death of the deceased.

Administrator General not precluded from applying for letters of administration in any case within one month after death of deceased.

23. If any letters of administration which shall be granted to the Administrator General under the provisions of this Act, shall be revoked or recalled, the same shall, so far as regards the Administrator General and all persons acting under his authority in pursuance thereof, be deemed to have been only voidable; except as to any act done by any

After revocation, letters of administration granted to Administrator General to be deemed as to him to have been voidable only.

Exception.

such Administrator General or other person as aforesaid, after notice of a will or of any other fact which would render such letters of administration void: Provided that no notice of a will or of any other fact which would render any such letters of administration void, shall affect the Administrator General or any person acting under his authority in pursuance of such letters of administration, unless, within the period of one month from the time of giving such notice, proceedings be commenced to prove the will, or to cause the letters of administration to be revoked, nor unless such proceedings be prosecuted without unreasonable delay.

Proviso.

24. If any letters of administration which shall be granted under this Act, shall be revoked upon the production and proof of a will, all payments made or acts done by or under the authority of the Administrator General in pursuance of such letters of administration prior to the revocation thereof, which would have been valid under any letters of administration lawfully granted to him with such will annexed, shall be deemed valid, notwithstanding such revocation.

What payments made or acts done by Administrator General prior to revocation of administration upon production of a will, shall be deemed valid.

25. If an executor or next-of-kin of the deceased, who shall not have been personally served with a citation, or had notice thereof in time to appear in pursuance thereof, shall establish to the satisfaction of the Court a claim to probate of a will or to letters of administration in preference to the Administrator General, any letters of administration which shall be granted by virtue of this Act to the Administrator General, may be recalled and revoked, and probate may be granted to such executor, or letters of administration granted to such other person as aforesaid: Provided that no letters of administration, which shall be granted to the Administrator General, shall be revoked or recalled for the cause aforesaid, except in cases in which a will or codicil of the deceased shall be proved in India, unless the application for that purpose shall be made within six months after the grant to the Administrator General, and the Court shall be satisfied that there has been no unreasonable delay in making the application, or in transmitting the authority under which the application shall be made.

In what cases Court may recall administrator General's administration and grant probate, &c., to executor or next-of-kin.

Unless a will is proved, application to revoke such administration must be made within six months and without needless delay.

26. If any letters of administration, which shall be granted to the Administrator General in pursuance of this Act, shall be revoked, the Court may order the costs of obtaining such letters of administration, and the whole or any part of any commission which would otherwise have been payable under this Act, together with the costs of the Administrator General in any proceedings taken to obtain such revocation, to be paid to or retained by the Administrator General out of any assets belonging to the estate.

Costs of obtaining administration, commission, &c, may, on revocation, be ordered by Court to be paid to the Administrator General out of the assets

27. Any payment or delivery of assets to any legatee or to any person entitled in distribution, which shall be made by an Administrator General after the expiration of one year from the grant of the letters of administration under which such payment or delivery shall be made, shall be allowed to the Administrator General as against all creditors and other claimants against the estate, of whose debts or claims he shall not have had notice before making such payment or delivery: Provided that nothing herein contained shall exempt the person to whom such payment or delivery shall be made, from any liability to refund to which he would otherwise be liable: And provided also, that no notice of any debt or claim shall affect the Administrator General, unless proceedings to enforce the debt or claim be commenced within one month after the giving of such notice, and be prosecuted without unreasonable delay.

After one year from grant of administration, distribution of assets by Administrator General to be allowed against all claims of which he had no notice.

Person receiving payments liable to refund.

What to be notice of debt or claim.

28. All letters of administration, which shall be granted to any Administrator General in virtue of his office, shall be granted to him by his name of office, and all letters of administration heretofore granted to the Ecclesiastical Registrar or Administrator General officially, or which shall be granted to any Administrator General in virtue of his office, shall authorize the Administrator General for the time being of the same Presidency to act as administrator of the estate to which such letters of administration shall relate.

Letters of administration to be granted to Administrator General in virtue of his office.

Authority given by such letters.

29. Every probate which shall be granted to any Administrator General of a will wherein he shall be named as executor by virtue of his office, shall be granted to him by his name of office, and shall authorize the Administrator General for the time being of the same Presidency to act as executor of the estate to which such probate shall relate.

Grant of probate to Administrator General named as executor by virtue of his office.

30. It shall be lawful for any private executor or administrator, with the previous consent of the Administrator General of the Presidency in which the property comprised in the probate or letters of administration is situate, by an instrument in writing under his hand, bearing a stamp of ten Rupees, and notified in the local *Gazette*, to transfer all estates, effects and interests vested in him by virtue of such probate or letters to the Administrator General by his name of office; and thereupon the transferor shall be exempt from all liability as such executor or administrator, as the case may be, for any act or omission in respect of the said property after the date of the said transfer; and the Administrator General for the time being shall have the rights and be subject to the liabilities which he would have had, and to which he would have been subject, if the

Transfer by private executor or administrator of interest under probate or letters of administration.

probate or letters of administration, as the case may be, had been granted to him by his name of office at the date aforesaid. Nothing herein contained shall be taken to exempt any such transferor from liability for acts and omissions in respect of the said property prior to the transfer.

Vesting of estates, etc., in successor of Administrator General.

31. All estates, effects and interests, which, at the time of the death, resignation or removal from office of any Administrator General, shall be vested in him by virtue of such letters of administration, probates or transfers as aforesaid, shall, upon every such death, resignation or removal, cease to be vested in him, and shall vest in his successor in office immediately upon his appointment thereto. All books, papers and documents kept by such Administrator General, by virtue of his office or as such executor or transferree as aforesaid, shall be transferred to and vested in his successor in office.

(b)—Suits by and against Administrator General.

Administrator General to sue and be sued in his representative capacity by his name of office.

Suit not to abate by death, &c.

32. All suits or other proceedings, which shall be commenced by or against any Administrator General in his representative character, may be brought by or against him by his name of office, and no suit or other proceedings already commenced, or which shall be commenced, by or against any person as Administrator General, either alone or jointly with any other person, shall abate by reason of the death, resignation or removal from office of any such Administrator General, but the same may, by order of the Court, and upon such terms as to the service of notices or otherwise as the Court may direct, be continued by or against his successor immediately upon his appointment, in the same manner as if no such death, resignation or removal had occurred: Provided that nothing hereinbefore contained shall render any such successor personally liable for any costs incurred prior to the order for continuing the suit against him.

Proviso as to costs.

Suits against Administrator General in Courts other than Presidency town High Courts.

33. If any suit shall be brought against any Administrator General in his representative character in any Court other than the High Court in the Presidency town, the plaintiff shall be liable to pay the costs of the suit and shall not be entitled to have the decree (if any) in such suit enforced, unless upon proof by affidavit or otherwise that not less than one calendar month previous to the institution of the suit, he had applied in writing to the Administrator General, stating the amount and other particulars of the claim, and supported the same by such evidence as, under the circumstances of the case, the Administrator General was reasonably entitled to require.

(c)—Grant of Certificates by Administrator General.

In what case Administrator General may grant certificate.

34. Whenever any person, not being a Hindú, Muhammadan or Buddhist shall have died, whether within any of the said Presidencies or not, and whether before or after the passing of this Act, and shall have left moveable assets within any of the said Presidencies, and the Administrator General of such Presidency shall be satisfied that such effects do not exceed in the whole five hundred Rupees in value, he may, after the lapse of one month from the death, if he shall think fit, or before the lapse of the said month, if he shall be requested so to do by writing under the hand of the widow or other person entitled to administer the effects of the deceased, grant to any person claiming to be entitled to a principal share of such effects, certificates under his hand entitling the claimant to receive the sums or securities for money therein severally mentioned, belonging to the effects of the deceased, to the value of any sum not exceeding in the whole five hundred Rupees: Provided that no certificate shall be granted under this Section where letters of administration of such effects have been granted, or in respect of any sum of money deposited in a Government Savings Bank.

No certificate to be granted in respect of money in Government Savings Bank.

Grant of certificate to creditors.

35. If in cases falling within Section 34 of this Act, no person claiming to be entitled to a principal share of the effects of the deceased, shall, within three months, obtain a certificate from the Administrator General under the same Section, or letters of administration to the estate and effects of the deceased, the Administrator General may administer the estate without letters of administration in the same manner as if such letters of administration had been granted to him; and if he shall neglect or refuse to take upon himself the administration of the estate and effects, he shall, upon the application of a creditor and upon being satisfied of his title, grant a certificate in the same manner as if such creditor were entitled to a principal share of the effects of the deceased, and such certificate shall have the same effect as a certificate granted under the provisions of the same Section, and shall be subject to all the provisions of this Act which are applicable to such certificate: Provided that the Administrator General may, before granting such certificate, if he think fit, require the creditor to give reasonable security for the due administration of the estate and effects of the deceased.

Proviso.

Administrator General not bound to grant certificate unless satisfied of claimant's title, &c.

36. The Administrator General shall not be bound to grant any such certificate, unless he shall be satisfied of the title of the claimant and of the value of the effects of the deceased, either by the oath, affidavit or solemn affirmation of the claimant (which oath, affidavit or affirmation the Administrator General is hereby authorized to administer or take), or by such other evidence as he shall require.

Certificate with receipt annexed, to be a sufficient discharge.

37. Any such certificate, with a receipt annexed under the hand of the person to whom the certificate shall be granted, shall be a full discharge for payment or delivery to him of the money, or security for money therein mentioned, to the person paying or delivering the same: but nothing in this Act shall preclude any executor or administrator of the deceased from recovering from the person receiving the same, the

Proviso.

amount remaining in his hands, after deducting the amount of all debts or other demands lawfully paid or discharged by him in due course of administration. And any creditor or claimant against the estate of the deceased shall be at liberty to recover his debt or claim out of the assets received by such person, and remaining in his hands unadministered, in the same manner and to the same extent as if such person had obtained letters of administration to the estate of the deceased.

Administrator General not bound to take out administration on account of effects, in respect of which he has granted certificate.

38. The Administrator General shall not be bound to take out letters of administration to the estate of any deceased person on account of the effects in respect of which he shall grant any such certificate; but he may do so if he shall discover any fraud or misrepresentation made to him, or that the value of the estate exceeded five hundred Rupees.

Fee for certificate.

39. For every such certificate the Administrator General shall be entitled to charge a fee calculated after the rate of three Rupees in the hundred on the amount mentioned in the certificate.

(d)—Expenses of the Administrator General's Establishment.

Administrator General to defray expenses of establishment, and all other charges not expressly provided for.

40. The Administrator General shall defray all the expenses of the establishment necessary for his office, and all other charges to which the said office shall be subject, except those for which express provision is made by this Act.

(e)—Accounts and Schedules.

Administrator General to keep a separate account for each estate, to be open to inspection on payment of fee.

41. The Administrator General of each of the said Presidencies shall enter into books, to be kept by him for that purpose, separate and distinct accounts of each estate, and of all such sums of money, bonds and other securities for money, goods, effects and things as shall come to his hands, or to the hands of any person employed by him, or in trust for him, under this Act; and likewise of all payments made by him on account of such estate, and of all debts due by or to the same, specifying the dates of such receipts and payments respectively. Such books shall be kept in the Administrator General's Office, and shall be open for the inspection of all such persons, practitioners in the said Courts and others, as may have occasion to inspect the same, at office hours, paying only such reasonable fee as hath been or shall be, from time to time, fixed by the Government and published in the official *Gazette* of the Presidency to which the same may relate.

Administrator General to furnish half-yearly schedules.

42. The Administrator General of each of the said Presidencies shall, twice in every year, that is to say on or before the first day of April and on or before the first day of October, or on such other days as the Government shall, by any rules or orders to be published as aforesaid, direct, exhibit and deliver, in open Court, a true schedule showing the gross amount of all sums of money received or paid by him on account of each estate in his charge, and the balances during the period of six months ending severally on the thirty-first day of December and thirtieth day of June next before the day of delivering such schedule, and a true list of all bonds or other securities received on account of each of the said estates during the same period; and also a true schedule of all administrations, whereof the final balances shall have been paid over to the persons entitled to the same, during the same period, specifying the amount of such balances, and the persons to whom paid. Such schedules shall be filed of record in such High Court, and shall, within fourteen days afterwards, be published in the official *Gazette* of the Presidency by the said Administrator General; and copies thereof in triplicate shall be delivered by such Administrator General to the Secretary of the said Presidency, and shall be sent by the Governor thereof to the Secretary of State for India, in order that such Secretary may, if he think fit so to do, order the same to be deposited at the India Office, for public inspection, and may cause notices to be published in the *London Gazette* and other leading newspapers, that such schedules are open to inspection there, or may make such other orders respecting the same as he may think fit.

Schedules to be filed and published.

PART IV.—*Of the Audit of the Administrator General's Accounts.*

Government to appoint auditors.

43. The Government shall, from time to time, appoint auditors to examine the accounts of the Administrator General at the times of the delivery of the said schedules, and also at any other time when the Government shall think fit.

Auditors to examine schedule, and report to Government.

44. The auditors shall examine the schedules and accounts, and report to the Government whether they contain a full and true account of every thing which ought to be inserted therein, and whether the books which, by this Act, are, or which, by any such general rules and orders as hereinafter mentioned, shall be directed to be kept by the Administrator General, have been duly and regularly kept, and whether the assets and securities have been duly kept and invested and deposited in the manner prescribed by this Act, or which shall be prescribed by any such rules and orders to be made as aforesaid.

Auditors to have power to summon witnesses and to call for books, &c.

45. Every auditor shall have power to summon as well the Administrator General as any other person whose presence he may think necessary, to attend him from time to time; and to examine the Administrator General, or other person, if he shall think fit, on oath or solemn affirmation, to be by him administered; and to call for all books, papers, vouchers and documents, which shall appear to him to be necessary for the purposes of the said reference. If the Administrator General or other person when summoned shall refuse, or, without reasonable cause, neglect to attend or to produce any book, paper, voucher or document so required, or shall attend and refuse to be sworn or make a solemn affirmation, when by law an affirmation may be substituted for

an oath, or shall refuse to be examined, the auditors shall certify such neglect or refusal in writing to the High Court at the Presidency Town; and every person so refusing or neglecting, shall thereupon be punishable in like manner as if such refusal or neglect had been in contempt of the said High Court.

Penalty for non-attendance.

46. The costs and expenses of preparing and publishing the said schedules and copies thereof, and of every such reference and examination as aforesaid, shall be defrayed by all the estates to which such schedules or accounts shall relate. Such costs and expenses, and the portion thereof to be contributed by each of the said estates, shall be ascertained and settled by the auditors, subject to the approval of the Government, and shall be paid out of the said estates accordingly by the Administrator General.

Costs of preparing schedules, &c., how to be paid.

47. If upon any such reference and examination the auditors shall see reason to believe that the said schedules do not contain a true and correct account of the matters therein contained, or which ought to be therein contained, or that the assets have not been duly kept and invested or deposited in the manner directed by this Act, or which shall be directed by any such rules and orders as aforesaid, or that the Administrator General has failed to comply with the provisions and directions of this Act, or of any such rules and orders, they shall report accordingly to the Government.

Auditors to report specially to Government, if accounts appear not correct.

48. The Government may refer every such report as last aforesaid to the consideration of the Advocate General for the Presidency, who shall thereupon, if he shall think fit, proceed summarily against the defaulter or his executor or administrator in the High Court in the Presidency town by petition for an account, or to compel obedience to this Act, or to such rules and orders as aforesaid, or otherwise as he may think fit, in respect of all or any of the estates then or formerly under the administration of such defaulter; and the said Advocate General shall have power to exhibit interrogatories to the said Administrator General, executor or Administrator (hereinafter called the defendant), who shall be bound to answer the same as fully as if a commission had been issued, under the provisions of the Code of Civil Procedure, for his examination upon the said interrogatories. The Court shall have power upon any such petition, to compel the attendance in Court of the defendant and any witnesses who may be thought necessary, and to examine them orally or otherwise as the said Court shall think fit, and to make and enforce such order or orders as the Court shall think just.

Proceedings upon such report.

49. The costs, including those of the Advocate General, and of the reference to him, if the same shall be directed by the Court to be paid, shall be defrayed either by the defendant or out of the estates rateably as the said Court shall direct; and whenever any costs shall be recovered from the defendant, the same shall be repaid to the estates by which they shall have been in the first instance contributed, and the Court may, if it shall think fit, order the defendant to receive his costs out of the said estates.

Costs of reference, &c., how to be defrayed.

PART V.—*Of the Commission of the Administrator General.*

50. The Administrator General of each of the said Presidencies, under any letters of administration which shall be granted to him in his official character, or under any probate which shall be granted to him of a will wherein he shall be named as executor by virtue of his office; or under any probates or letters of administration which are or shall be vested in him by Section 8 or Section 30 of this Act, shall be entitled to receive a commission at the following rates respectively, viz.:—

Commission to be received by Administrators General.

The Administrator General of Bengal at the rate of three *per centum*, and the Administrators General of Madras and Bombay respectively at the rate of five *per centum*, upon the amount or value of the assets which they shall respectively collect and distribute in due course of administration.

51. The last preceding Section shall not apply to cases in which the property of an officer or soldier dying on service shall come to the hands of the Administrator General of any of the said Presidencies, under the 9th or the 12th Section of the Statute called "The Regimental Debts Act, 1863;" and such Administrator General shall not be entitled to take, and it shall not be lawful for him to take, a percentage on any such property exceeding three *per centum* on the gross amount coming to his hands after the passing of the Administrator General's Act, 1865, if preferential charges as defined by the 4th Section of the said Statute have been previously paid, or on the gross amount remaining in his hands after payment by him of such charges, as the case may be.

Section 50 not to apply to property of officers and soldiers dying on service, which shall come to hands of Administrator General.

Administrator General only entitled to a commission of three per cent. on gross amount of such property.

52. The Administrator General shall be entitled to reimburse himself for any payments made by him in respect of any estate in his charge, which a private administrator of such estate might have lawfully made; but save as aforesaid the commission to which the Administrator General of each of the said three Presidencies shall be entitled, is intended to cover, not merely the expenses and trouble of collecting the assets, but also his trouble and responsibility in distributing them in due course of administration. It is therefore enacted that one-half of such commission shall be payable to and retained by such Administrator General upon the collection of the assets, and the other half thereof shall be payable to the Administrator General who shall distribute any assets in the due course of administration, and may be retained by him upon such distribution. The amount of the commission lawfully retained by an Administrator General upon the distribution of

What expenses, &c., commission is to cover.

How payable.

Commission retained to be deemed a distribution.

assets, shall be deemed a distribution in the due course of administration within the meaning of this Act.

Commission of the Administrators General of Madras and Bombay may be reduced and again raised.

53. The Governments of the Presidencies of Fort St. George and Bombay respectively, may, with the sanction of the Governor General of India in Council, from time to time, order the aforesaid rate of commission hereby authorized to be received by the Administrators General of Madras and Bombay respectively to be reduced and again to be raised: Provided that the commission so to be received shall not at any time exceed five *per centum* of the assets collected, and that no person now holding the office of Administrator General of Madras or Bombay shall, by any such order, be deprived of the right to receive and retain, for his own use, a commission at the rate of three *per centum* in respect of all assets collected and actually administered by him.

Proviso.

Commission or agency not to be charged by executor or administrator other than the Administrator General.

54. No person other than the Administrator General acting officially, shall receive or retain any commission or agency charges for anything done as executor or administrator under any probate or letters of administration, of letters *ad colligenda bona*, which have been or shall be granted by the Supreme Court or High Court of Judicature at Fort William in Bengal since the passing of Act No. VII of 1849, or by either or the Supreme or High Courts of Judicature at Madras and Bombay since the passing of Act No. II of 1850, or which shall hereafter be granted by either of the same High Courts; but this enactment shall not prevent any executor or other person from having the benefit of any legacy bequeathed to him in his character of executor, or by way of commission or otherwise.

Bequest in favour of executors not affected.

PART VI.—*Miscellaneous.*

Government may make and alter rules and orders consistent with this Act—

For custody of assets.

For remittance of money.

55. The Government shall have power, from time to time, to make and alter any general rules and orders consistent with the provisions of this Act, for the safe custody of the assets and securities which shall come to the hands or possession of the Administrator General, and for the remittance to the India Office of all sums of money which shall be payable or belong to persons resident in Europe, or in other cases where such remittances shall be required, and generally for the guidance and government of the Administrator General in the discharge of his duties; and may, by such rules and orders, amongst other things, direct what books, accounts and statements, in addition to those mentioned in this Act, shall be kept by the Administrator General, and in what form the same shall be kept and what entries the same shall contain, and where the same shall be kept, and where and how the assets and securities belonging to the estates to be administered by such Administrator General shall be kept and invested or deposited pending the administration thereof, and how and at what rate or rates of exchange any remittances thereof shall be made. Unless any such rules shall be made and published, the rules now in force in each of the said Presidencies so far as the same are not inconsistent with this Act, shall be of the same force and effect as if the same had been made and published under this Act.

For guidance of Administrator General.

Proviso as to rules now in force.

Publication of orders, &c.

56. Such orders shall be published in the official *Gazettes* of the several Presidencies, and it shall be the duty of the several Administrators General to obey and fulfil the same, and the same shall be a full authority and indemnity for all persons acting in pursuance thereof.

Orders of the Court to have same effect, and to be executed in same manner as a decree.

57. Any order which shall be made under this Act by any Court shall have the same effect and be executed in the same manner as a decree.

Penalty for false evidence.

58. Every person who, having been sworn, or having taken a solemn affirmation under this Act, shall wilfully give false testimony upon any examination authorized by this Act, shall be deemed guilty of the offence of giving false evidence in a judicial proceeding, and, if convicted, shall be liable to be punished accordingly.

The proceeds of estates unclaimed for 15 years to be transferred to Government.

59. The net proceeds of all estates in the official charge of the Administrator General of any of the said Presidencies and which now appear, or shall hereafter appear, from the official books and accounts of the Ecclesiastical Registrar and of the Administrator General of any of those Presidencies, or from the official books and accounts of any of those officers, to have been in official custody for a period of fifteen years or upwards without any claim thereto having been made and allowed, shall be transferred and paid to the Accountant General of Bengal, Madras, or Bombay, as the case may be, and be carried to the account and credit of the Government of India for the general purposes of Government; and the receipt of the said Accountant General shall be a full indemnity and discharge to the said Administrator General for any such payment or transfer: Provided that this Act shall not authorize any transfer or payment of any such proceeds as aforesaid, pending any suit already instituted or which shall be hereafter instituted in respect thereof.

Proviso.

Mode of proceeding by claimant to recover principal money so transferred.

60. If any claim shall be hereafter made to any part of the securities, monies or proceeds which shall be carried to the account or credit of the Government of India under the provisions of this Act, and if such claim shall be established to the satisfaction of the Accountant General to the Government of Bengal, Fort St. George or Bombay, as the case may be, the Government of India shall pay to the claimant the amount of the principal so carried to the credit and account of the said Government of India, or

so much thereof as shall appear to be due to the claimant. If the claim shall not be established to the satisfaction of the said Accountant General, the claimant may apply by petition to the High Court at the Presidency Town against the Government of India, and after taking evidence, either orally or on affidavit, in a summary way, as the said Court shall think fit, the said Court shall make such order on the petition for the payment of such portion of the said principal sum as justice shall require, and such order shall be binding on all parties to the suit.

District Judge in certain cases to take charge of property of deceased persons, and to report to Administrator General.

61. Whenever any person other than a Hindú, Muhammadan or Buddhist shall die leaving assets within the limits of the jurisdiction of a District Judge, and no will shall be found among the effects of the deceased, it shall be the duty of the District Judge to report the circumstance without delay to the Administrator General of the Presidency, retaining the property under his charge, or appointing an Officer under the provisions of the Indian Succession Act, 1865, Section 239, to take and keep possession of the same, until letters of administration shall have been obtained by the Administrator General or by some other person, when the property shall be delivered over to the person obtaining such letters of administration, or, in the event of a will being discovered, to the person who may obtain probate of the will.

Act not to require administration of estates of soldiers, unless Administrator General authorized by Military Secretary.

62. Nothing in this Act is intended to require the Administrator General to take proceedings to obtain letters of administration to the estates or effects of any officer or soldier or other person subject to any Articles of War, unless when the Administrator General shall be duly authorized or required so to do by the Military Secretary to Government; nor is anything in this Act contained intended to interfere with or alter the provisions of any Act of Parliament for regulating the payment of regimental debts, and the distribution of the effects of officers and soldiers dying in the service of Her Majesty in India, or of any Articles of War.

Indian Succession Act and Indian Companies' Act not to affect Administrator General.

63. Nothing contained in the Indian Succession Act, 1865, or the Indian Companies' Act, 1866, shall be deemed or taken to supersede or affect the rights, duties and privileges of the Administrators General and Officiating Administrators General of Bengal, Madras and Bombay, respectively.

SCHEDULE.

Number of Act.	Title of Act.	Extent of Repeal.
VIII of 1855 ...	An Act to amend the law relating to the office and duties of Administrator General.	The whole Act.
XXVI of 1855 ...	An Act to facilitate the payment of small deposits in Government Savings Banks to the representatives of the deceased depositors.	Section 4.
XXVI of 1860 ...	An Act to amend Act VIII of 1855 relating to the office and duties of Administrator General.	The whole Act.
IV of 1865 ...	An Act to exempt the estates of deceased officers and soldiers delivered over to the Administrator General of Bengal, Madras or Bombay, from the operation of the 26th Section of Act No. VIII of 1855.	The whole Act.
X of 1865 ...	The Indian Succession Act, 1865 ...	Section 330.
XXV of 1866 ...	An Act to transfer to the Government of India certain securities and monies deposited in the High Courts of Judicature at Fort William, Madras and Bombay, and in the Supreme Court of the Straits' Settlement, and the proceeds of certain estates in the charge of the Administrator General of Bengal.	So much of the Act as relates to the Administrator General of Bengal.

STATEMENT OF OBJECTS AND REASONS.

The passing of the Indian Succession Act, 1865, and the establishment of a High Court in the North-Western Provinces with original testamentary and intestate jurisdiction, have had serious effects on the office of the Administrator General. Until lately, for instance, whenever a British subject died leaving assets, not only within the jurisdiction of the High Court at Fort William, but in the Punjab, Oudh or the Central Provinces, and the executor or next-of-kin has not acted, the estate has been dealt with by the Administrator General of Bengal. When the assets were out of the jurisdiction, the local judicial authorities sold the property and remitted the proceeds to his office in Calcutta, thus enabling him to administer. The fact of the High Court at Fort William being the only Court in the Bengal Presidency and the Non-Regulation Provinces subordinate thereto, which had testamentary and intestate jurisdiction, greatly increased the number of estates which came into his office.

Under the Indian Succession Act all District Courts possess testamentary and intestate jurisdiction, and executors or next-of-kin, being able to obtain probate or administration on the spot, are adopting and will doubtless generally adopt that course instead of resorting to the Administrators General. This is causing those Officers a serious loss of income, and the loss is likely to become greater. It is true that the Succession Act reserves the rights and privileges of the Administrators General; but at the same time the provisions of that Act diminish the value of those rights and privileges.

The office of Administrator General is of much utility, not only for protecting and winding up estates when the parties entitled are at a distance, but also for administering insolvent and complicated estates when relatives and agency houses would decline to act. Moreover, it has been and ought to be a source of considerable revenue to Government as a medium for collecting the assets of escheated estates, and of estates which are paid over as unclaimed for fifteen years.

Under these circumstances the present Bill proposes to replace, practically, the Administrators General in the position which they occupied before and at the passing of the Succession Act, and to declare that, so far as regards those Officers, the High Courts at the Presidency Towns shall be deemed to be Courts of competent jurisdiction within the meaning of Sections 187 and 190 of that Act, wheresoever within the Presidency the property to be comprised in the probate or letters of administration may be situate. The effect of this provision, taken with the definition of 'Presidency of Bengal' contained in Section 2 of the Bill, will be that the High Court at Fort William may grant to the Administrator General of Bengal letters of administration in respect of assets situate in Bengal, the North-Western Provinces, the Punjab, Oudh, the Central Provinces and British Burmah, and that such letters will authorize him to collect assets throughout the whole of these territories. In the same way, letters of administration granted by the High Court of Madras to the Administrator General of Madras, will authorize him to collect assets throughout the Presidency of Fort St. George, and (in the case of British subjects) Mysore, Coorg and the Hyderabad Assigned Districts. Letters of administration granted to the Administrator General of Bombay, will have a similar effect as regards assets in that Presidency.

The opportunity has been taken of repealing and re-enacting, with certain desirable amendments in wording, arrangement and substance, the six Acts and parts of Acts in which the law relating to the Administrator General is now comprised. The following are the chief amendments here referred to:—

The Administrator General's authority under Act VIII of 1855, Section 41, extends to the estates of all 'British subjects' leaving assets within the Presidency; but as to persons not being Muhammadans, Hindús or 'British subjects,' he cannot interfere unless they leave assets within the local limits of the ordinary original civil jurisdiction of the High Court; the reason being that over the latter class the ecclesiastical jurisdiction of the late Supreme Courts did not extend unless there were assets within the local limits. The present Bill (Sections 16 and 34) proposes to extend the Administrator General's authority to the estates of all persons, not being Hindús, Muhammadans or Buddhists, who die leaving assets exceeding five hundred Rupees within the Presidency. His authority will thus be co-extensive with the jurisdiction conferred by the Succession Act on the District Courts.

Provision has been made (Section 29) for the grant of probate of wills in which the Administrator General shall be named as executor by virtue of his office; and Section 30 has been introduced to enable a legal representative to divest himself of his office and be replaced by the Administrator General, if he will consent to act: this will meet the requirements of legal representatives who may be obliged to leave India before the completion of their duties, or who have found those duties irk-some.

The Administrator General may now be sued in any District Court within the jurisdiction of which the deceased used to reside or may have entered into a contract, and the Administrator General cannot institute an administration suit, and thus stay the proceedings of the plaintiff. With a view to confining suits against the Administrator General to the High Courts, and of thus relieving the estates in his charge from the expense to which they are needlessly subject under the present system, the Bill provides (Section 33) that if any suit shall be brought against that Officer in any Court other than the High Court in the Presidency Town, the plaintiff shall be liable to pay the costs of the suit, and shall not be entitled to have the decree enforced, unless he has applied to the Administrator General, stating the amount of the claim and supporting it by such evidence as, under the circumstances of the case, the Administrator General was reasonably entitled to require.

The Bill proposes (Section 34) to empower the Administrator General to grant certificates in cases where letters of administration of the effects of the deceased have not been taken out for *one* month after his death. The restriction imposed by Act VIII of 1855, Section 43, of waiting *three* months after the death, tends to destroy the benefit of the provision.

H. S. MAINE.

SIMLA,
The 22nd October 1866.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

HOME DEPARTMENT.

NOTIFICATIONS.

Fort William, the 15th November 1866.

No. 506.

The following Notice published by the Government of Ceylon is re-published for general information:—

NOTICE

Is hereby given, that on and after the 1st day of February next, 1867, a white Dioptric fixed light of the second order will be exhibited from sunset to sunrise on the Clock Tower, standing in the centre of the Fort. The light will illuminate an arc seaward of 230 degrees which will include the beach to the northward and southward of the Port, and its focal plane will be elevated 134 feet above the level of the sea, making the light visible from a ship's deck 1 miles.

(Sd.) JAMES DONNARD,
Master Attendant.

MASTER ATTENDANT'S OFFICE,
Colombo, 6th September 1866.

No. 512.

The Governor General in Council is pleased to re-attach to the North-Western Provinces, Punjab, and Oude, Mr. W. Oldham, of the Civil Service, who returned from furlough on the 23rd ultimo.

No. 515.

The Governor General in Council is pleased to re-attach to the North-Western Provinces, Punjab, and Oude, Mr. G. L. Lang, of the Civil Service, who returned from furlough on the 12th instant.

No. 518.

The Governor General in Council is pleased to re-attach to the North-Western Provinces, Punjab, and Oude, Mr. R. G. Currie, of the Civil Service, who returned from furlough on the 30th ultimo.

No. 521.

Lieutenant Colonel Younghusband returned from sick leave to Europe and resumed charge of his duties as Inspector General of Police, Hyderabad Assigned Districts, on the forenoon of the 4th October 1866.

No. 523.

The Governor General in Council is pleased to re-attach to the North-Western Provinces, Punjab, and Oude, Mr. H. Chase, of the Civil Service, who returned from furlough on the 12th instant.

No. 526.

The Governor General in Council is pleased to re-attach to the Bengal Division of the Presidency of Fort William, Mr. A. E. Russell, of the Civil Service, who returned from furlough on the 29th ultimo.

ARTHUR HOWELL,
Under Secy. to the Govt. of India,
For Secretary.

FINANCIAL DEPARTMENT.

NOTIFICATIONS.

Camp Agra, the 10th November 1866.

No. 4.

Appointment.—Mr. E. W. S. Login to be Controller of the Money Order Office at Bombay.

E. H. LUSHINGTON,
Secy. to the Govt. of India.

Fort William, the 15th November 1866.

No. 1893.

Mr. A. Grigor received charge of the Office of Controller of the Money Order Office, Calcutta, from Mr. J. G. Hewson, in the forenoon of the 5th instant.

R. P. HARRISON,
Comptr. Genl. of Accts.,
For the Finl. Secy.

MILITARY DEPARTMENT.

Camp Agra, the 10th November 1866.

No. 920 *of* 1866.—Captain John Henry Townsend Farquhar, of the late 2nd Regiment, European Light Cavalry, doing duty in the Stud Department, is allowed leave of absence from the 20th October to the 20th of November 1866, to visit the Presidency preparatory to applying for leave to Europe on medical certificate.

No. 921 *of* 1866.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate:—

Captain John Henry Townsend Farquhar, of the late 2nd Regiment, European Light Cavalry, doing duty in the Stud Department.	For 20 months, under the new Regulations.

No. 922 *of* 1866.—The under-mentioned Officers are permitted to proceed to Europe on furlough on private affairs:—

Major General Francis Wheler, C.B., of Cavalry. Lieutenant John Magee McNeile, of the Royal Engineers, Executive Engineer, 2nd Grade, Department Public Works, Bengal.	For two years, under the new Regulations.

No. 923 *of* 1866.—The under-mentioned Officers have reported their return from England.—

	Date of arrival at Fort William.
Major P. H. P. Gill, of the Bengal Staff Corps. Lieutenant E. B. Ward, of the late 48th Native Infantry, District Superintendent of Police, Oude. Surgeon A. L. Bogle, M. D., of the Medical Department.	25th October 1866.

	Date of arrival at Fort William.
Lieutenant Colonel B. P. Lloyd, of the Bengal Staff Corps. Lieutenant Colonel G. Jackson, of the Bengal Staff Corps, Commandant, 2nd Bengal Cavalry. Captain (Brevet Major) M. J. Brander, of the late 40th Native Infantry, Deputy Assistant Commissary General, 1st Class. Lieutenant A. FitzHugh, of the Bengal Staff Corps, Wing Officer, 4th Regiment, Sikh Infantry. Assistant Surgeon J. Jones, M. D., of the Medical Department, Civil, Cawnpore. Assistant Surgeon W. E. Caird, of the Medical Department.	30th October 1866.

No. 924 *of* 1866.—The under-mentioned Out-pensioners of the Royal Hospital at Chelsea having been permitted to reside and draw their stipends in India, payment of pension is to be made and charged accordingly:—

	Rate of Pension per diem.
Sergeant John Hurcum, late of the 24th Brigade, Royal Artillery.	(2*s.*) twoshillings, from the date on which he ceases to receive Regimental Pay or Allowance.
Sergeant Charles Bowder, late of the 25th Brigade, Royal Artillery.	(2*s.*) twoshillings, from the date on which he ceases to receive Regimental Pay or Allowance.
Gunner Thomas Sexton, late of the 19th Brigade, Royal Artillery.	(1*s.*) one shilling, from the date on which he ceases to receive Regimental Pay or Allowance.
Gunner William Clayton, late of the 19th Brigade, Royal Artillery.	(1*s.*) one shilling, from the date on which he ceases to receive Regimental Pay or Allowance.
Private William Makepeace, late of the 21st Hussars.	(7*d.*) seven pence, for eighteen months, from the 28th August 1866 to 27th Feb. 1868.
Private Cornelius Horgan, late of the 77th Foot.	(10*d.*) ten pence, from the date on which he ceases to receive Regimental Pay or Allowance.
Private Edward Pettit, late of the 104th Foot.	(1*s.* 0½*d.*) one shilling and one-half penny, from the date on which he ceases to receive Regimental Pay or Allowance.

No. 925 *of* 1866.—The under-mentioned Officer of the Bengal Staff Corps, having completed 26 years' service, is promoted to the rank of Lieutenant Colonel, from the date specified, under the provisions of G. G. O. No. 808 of the 26th September 1866, subject to Her Majesty's approval:—

Major Henry Mills 20th October 1866.

No. 926 *of* 1866.—The following promotions are made, subject to Her Majesty's approval:—

Corps	Rank and Names	To what rank promoted.	From what date.	In whose room
Infantry	Lieutenant Colonel (Brevet Colonel) George William Bishop	Colonel ...	17th Sept. 1866	General (Colonel) W. R. C. Costley, deceased.
	Major (Brevet Lieutenant Colonel) Hugh Lowman Pester	Lieut. Colonel		
Cadre of the late 63rd N. I ...	Captain (Major in Staff Corps) William James Pratt Barlow ...	Major ...		
	Lieutenant (Brevet Captain) Cornelius Richardes ...	Captain ...		

No. 927 *of* 1866.—The prescribed superior rate of pension for service exceeding forty years, with an unblemished character, is granted to the under-mentioned Native Officers, with effect from the date of their transfer to the Invalid Establishment :—

Rank	Names	In what rank pensioned.
	18th Regiment Bengal Cavalry.	
Ressaldar -	Sheikh Ahmed Buksh - -	Ressaldar.
Jemadar -	Pershad Singh - - - -	Jemadar.
	Bengal Sappers and Miners.	
Subadar -	Sheikh Nanoo - - - -	Subadar.
	9th Regiment Native Infantry.	
Subadar -	Poorun Tewaree - - -	Subadar.

No. 928 *of* 1866.—*Errata.*—In Government General Order No. 558 of the 25th June 1866 (page 153), transferring certain men to the Pension Establishment—

D 19th Brigade, Royal Artillery.

For Bullock Driver "Deevah," read Bullock Driver *Deenah.*

In General Order by the Commander-in-Chief of the 17th May 1865 (page 214)—

9th Regiment Native Infantry.

Opposite the name of Poorun Tewaree, Subadar, for "Jemadar," read *Subadar.*

Order Books to be corrected accordingly.

No. 929 *of* 1866.—In accordance with the 10th paragraph of Government General Order No. 370, dated 1st June 1863, the following promotion is made from the date specified :—

ORDNANCE COMMISSARIAT DEPARTMENT.

To be Sub-Conductor.

Officiating Sub-Conductor James Burns.	From the 23rd April 1866.

The 12th November 1866.

No. 930 *of* 1866.—The under-mentioned Officers have reported their departure on the dates specified opposite to their names :—

Lieutenant Colonel C. P. Keyes, C. B., of the Madras Staff Corps, Commanding 1st Regiment Punjab Infantry. Bombay Government General Order No. 243 of 1866.	14th April 1866, from Bombay.
Captain F. H. Macnaghten, of the late 5th European Light Cavalry. Government General Order No. 886 of 1866. Lieutenant C. S. Pratt, of the late 54th Regiment Native Infantry. Government General Order No. 914 of 1866.	"Candia," 25th October 1866.

No. 931 *of* 1866.—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate :—

Lieutenant Colonel William Drummond Alexander Robertson Short, of the Royal Engineers, Superintending Engineer, 1st Class, Department Public Works, Bengal.	For 20 months, under the new Regulations.
Lieutenant Richard Percival Davis, of the late 16th Regiment Native Infantry, District Superintendent of Police, Bengal.	For 15 months, under the new Regulations.
Lieutenant Hugh Gilliat Oldham, of the late 9th Regiment Native Infantry, Quarter Master, 25th (Punjab) Regiment Native Infantry.	For 12 months, under the new Regulations.

No. 932 *of* 1866.—The under-mentioned Officers have reported their return from England :—

	Date of arrival at Bombay.
Captain J. Upperton, of the Bengal Staff Corps, 2nd Squadron Officer, 19th Bengal Cavalry (Lancers).	11th Oct. 1866.

	Date of arrival at Fort William.
Assistant Surgeon T. E. Charles, M. D., of the Medical Department.	30th Oct. 1866.

No. 933 *of* 1866.—The services of Lieutenant A. F. Taylor, of the 108th Regiment of Foot, 2nd Wing Subaltern, 33rd (The Allahabad) Regiment Native Infantry, are placed at the disposal of the Foreign Department.

No. 934 *of* 1866.—Veterinary Surgeon George Kettlewell, Officiating in the Stud Department, was allowed leave of absence from the 15th to the 25th of September 1866, on urgent private affairs.

No. 935 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following appointment :—

HYDERABAD CONTINGENT.

4th Infantry.

Captain T. T. Turton, of the Madras Staff Corps, Officiating Paid Doing-duty Officer, to be Paid Doing-duty Officer.

No. 936 *of* 1866.—With reference to Government General Order, No. 611 of the 17th July 1866, it is hereby notified that leather bootings will be continued to be supplied to Her Majesty's Mounted Artillery and Cavalry in India as at home.

The General Order above referred to is hereby cancelled.

No. 937 *of* 1866.—In accordance with the 10th paragraph of Government General Order No. 370, dated 1st June 1863, the following promotion is made from the date specified :—

ORDNANCE COMMISSARIAT DEPARTMENT.

To be Sub-Conductor.

Officiating Sub-Conductor James Langhorn ... ... From the 23rd March 1866.

No. 938 *of* 1866.—The under-mentioned Native Non-Commissioned Officer and Men, declared unfit for further service on account of wounds and injuries received, are granted the pensions noted opposite to their respective names :—

Rank.	Names.	Nature and Degree of Pension.	Amount Monthly.			Circle of Payment.
			Rs.	A.	P.	
	29th (Punjab) Native Infantry.					
Havildar ...	Dan Sing	Wound Pension, 4th Degree ...	9	15	3	Meerut.
	3rd Goorkha Regiment.					
Sepoy ...	Dhunjeet	Wound Pension, 1st Degree ...	7	0	0	Meerut.
" .	Mookunder Sing	Ditto, ditto ...	7	0	0	"
" ...	Hirdoo	Ditto, 3rd Degree..	4	0	0	"
" ...	Bheem Sing	Injury Pension, 1st Degree ...	5	4	0	"
"	Gomaun Sing	Ditto, ditto ..	5	4	0	"

No. 939 *of* 1866.—The under-mentioned men, declared unfit for further service by Annual Invaliding Committees, are transferred to the Pension Establishment :—

Rank.	Names.	In what rank pensioned.	Circle of Payment.
	A Battery, A Brigade, R. H. Artillery.		
Syce	Burkundie	Syce ...	Cawnpore.
" ...	Budallo (2)	" ...	"
" ..	Ramjohn	" ...	"
" ...	Goolgar Khan	" ...	"
Grass-cutter ...	Bhoodihee	Grass-cutter ...	Meerut.
" ...	Ghaseetha	" ...	"
" ...	Munsah	" ...	"
" ..	Bhonoo (1)	" ...	Cawnpore.
" ...	Munnoo	" ...	"
" ...	Bhowamdeen	" ...	"
" ...	Bhowannee	" ...	Meerut.
" ...	Purwannee	" ...	Cawnpore.
" ...	Qwsarree	" ...	Meerut.
" ...	Muddie	" ...	"

Rank	Names.	In what rank pensioned.	Circle of Payment.
	D Battery, A Brigade, R. H. Artillery.		
Gun Lascar .	Gungoo (1)	Gun Lascar ...	Cawnpore.
	6th Bengal Cavalry.		
Kote Duffadar	Jowahir Khan	Kote Duffadar .	Cawnpore.
	12th Bengal Cavalry.		
Trumpeter ...	Shaick Assudoollah	Trumpeter ...	Cawnpore.
Sowar ...	Noor Hussan Khan	Sowar ...	Meerut.
	2nd Regiment Native Infantry.		
Subadar ...	Hunnoomaun Sing	Subadar ...	Cawnpore.
Jemadar ...	Sewloll Sing	Jemadar ...	"
" ...	Jalim Sing	" ...	Dinapore.
" ...	Drigpaul Sing	" ...	"
Havildar ...	Girwur Sing	Havildar ...	Cawnpore.
" ...	Nuokched Misser	" ...	"
Havildar ...	Sewdist Sing	Havildar ...	Cawnpore.
" ..	Meer Peer Ally	" ...	Dinapore
" ...	Sewdeen Awusty	" ...	Cawnpore.
Naick ...	Heeralall Misser	Naick ...	"
" ...	Goolzar Ram	" ...	"
" ...	Shaick Peerbux	" ...	"
" ...	Juggernauth Sing	" ...	Dinapore.
" ...	Mungoo	" ...	Cawnpore.
Bugle Major ...	Thomas White	Bugle Major ...	"
Sepoy Musician	Shaick Hinggun	Sepoy Musician	Meerut.
Sepoy ..	Gunness Sing	Sepoy ...	Cawnpore.
" ...	Hunsraj Sing	" ...	"
" ...	Bholah Ram	" ...	"
" ...	Shaick Motee	" ...	"
" ..	Lawoo Ram	" ...	"
" ..	Orie Ram	" ...	"
" ..	Rughbur Sing	" ...	"
" .	Shaick Ramzan	" ...	"

Rank.	Names.	In what rank pensioned.	Circle of Payment.
	2nd Regiment N. I.,—continued.		
Sepoy ...	Daveedeen Ram	" ...	Dinapore.
" ...	Soorjbullee Misser	" ...	Cawnpore.
" ...	Bisram Sing	" ...	Dinapore.
" ...	Bhowany Ram	" ...	Cawnpore.
" ...	Ramsurn Sing	" ...	Dinapore.
" ...	Kamtah Sookul	" ...	Cawnpore.
" ...	Sewpaul Opadhea	" ...	Dinapore.
" ...	Kalkapersaud Misser	" ..	Cawnpore.
" ...	Jugroop Sing	" ...	"

No. 940 *of* 1866.—Agreeably to G. G. O. No. 181 of 12th December 1833, the under-mentioned heir of a deceased Native Soldier is admitted to the Native Family Pension from the date specified opposite to her name, and the Pay Master of Pensioners in whose Circle the individual resides will furnish the prescribed Rolls to the Department of Audit and to the parties concerned :—

Name of Claimant.	Age.		Height.		Caste.	Personal appearance and particular marks.	Village, Pergunnah, and District of residence.	Nature of relationship to deceased.	Description of the deceased on whose account claims are made.			Date of Admission.	Date of Committee's Proceedings	Amount of Pension.	For what period.	By what Pension Pay Master payable.
	Years.	Months.	Feet.	Inches.					Name.	Rank.	Last Corps.					
Ruthoo	60	...	4	3	Muzbee.	Dark complexion; small black eyes; roundish face; cheeks sunken, old, and wrinkled. A large hole bored in each ear.	Village Sarangrha, Pergunnah Ajrialla, District Umritsur.	Mother.	Ludda Sing.	Sepoy.	23rd Punjab Pioneers.	13th February 1864.	13th February 1866.	Rs. 2-12.	For life.	Meerut.

Arrears of pension restricted to two years antecedent to the date of Committee's Proceedings.

No. 941 *of* 1866.—Captain G. J. D. Hay, of the Bengal Staff Corps, Divisional Pay Master, Rawul Pindee, is allowed leave of absence from the 17th October 1866 to 15th January 1867, in extension of privilege leave, to visit the Presidency, preparatory to applying for leave of absence on sick certificate to Europe.

No. 942 *of* 1866.—The under-mentioned Officers are admitted to the Bengal Staff Corps, with effect from the 12th September 1866, under the provisions of G. G. O., No. 808 of the 26th idem, subject to confirmation by the Right Hon'ble the Secretary of State for India :—

Major Henry Daniel Maunsell, late 62nd N. I.

Major (Brevet Lieutenant Colonel) Campbell Claye Grant Ross, late 66th N. I.

Major Charles Brenton Basden, late 61st N. I.

Captain (Brevet Lieutenant Colonel) Archibald Oliver Wood, late 14th N. I.

Captain (Brevet Major) John Wedderburn, late 69th N. I.

Captain (Brevet Major) Henry Edward Iremonger, late 21st N. I.

Captain (Brevet Major) Trevor Wheler, late 1st E. B. F.

Captain (Brevet Lieutenant Colonel) Edward Oakes, late 6th E. R.

Captain (Brevet Major) Robert Alexander Napper, late 55th N. I.

Captain (Brevet Lieutenant Colonel) Robert Patrick Anderson, late 25th N. I.

Captain (Brevet Major) Frederick Procter Bailey, late 6th E. R.

Captain (Brevet Major) William Harington Hawes, late 63rd N. I.

Captain (Brevet Lieutenant Colonel) Charles Henry Barchard, C. B., late 20th N. I.

Captain (Brevet Major) Edward Smalley, late 36th N. I.

Captain Richard Sanderson Simonds, late 4th E. R.

Captain (Brevet Major) Charles Andrews, late 72nd N. I.

Captain (Brevet Major) Charles Lyons Montgomery, late 65th N. I.

Captain (Brevet Major) Henry Lockhart Gleig, late 32nd N. I.

Captain (Brevet Major) George Augustus Cuyler, late 4th E. R.

Captain (Brevet Major) William Conrad Hamilton, late 2nd E. B. F.

Captain (Brevet Major) Jonathan Keer, late 60th N. I.

Captain (Brevet Major) George Corham Huxham, late 48th N. I.

Captain (Brevet Major) Albert Balcombe Beatson, late 56th N. I.

Captain Henry Auriol Prinsep, late 3rd E. R.

Captain Augustus William Bolton, late 50th N. I.

Captain Spencer Alfred Taylor Judge, late 67th N. I.

Captain Alexander Brodie Melville, late 67th N. I.

Captain (Brevet Major) Francis Dashwood Ogilvie, late 46th N. I.

Captain (Brevet Major) Robert Cony Whiting, late 70th N. I.

Captain Henry Richard Bradford, late 36th N. I.

Captain (Brevet Major) Samuel Dewe White, late 3rd E. R.

Captain Henry Robert Brown Worsley, late 47th N. I.

Captain Frederick Thomas Bainbridge, late 64th N. I.

Lieutenant (Brevet Major) Walter Henry Smith, late 56th N. I.

Lieutenant (Brevet Captain) William Phaire, late 54th N. I.

Lieutenant (Brevet Captain) Melmoth Alaster Douglas Orchard, late 3rd E. R.

Lieutenant (Brevet Captain) Thomas Gally Ross, late 21st N. I.

Lieutenant (Brevet Captain) Frederick Macnaghten Armstrong, late 4th E. R.

Lieutenant (Brevet Captain) Harry DeBrett, late 57th N. I.

Lieutenant (Brevet Captain) Robert Stanwix Robertson, late 6th E. R.

Lieutenant (Brevet Captain) Thos Nicholls Walker, late 2nd E. B. F.

Lieutenant (Brevet Captain) Bernard Cracroft, late 50th N. I.

Lieutenant (Brevet Captain) Archibald Edwards Campbell, late 31st N. I.

Lieutenant (Brevet Captain) John Charles Campbell Daunt, V. C., late 70th N. I.

Lieutenant Archibald Lewis Playfair, late 6th E. R.

Lieutenant Robert Cotton Money, late 32nd N. I.

Lieutenant Francis Frazer John Toke, late 63rd N. I.

Lieutenant Francis Henry Woodgate, late 11th N. I.

Lieutenant William Heathcote Unwin, late 56th N. I.

Lieutenant Charles Henry Cantor, late 2nd E. B. F.

Lieutenant Francis Charles Walker Drummond, late 70th N. I.

Lieutenant William George Maitland, late 39th N. I.

Lieutenant Thomas Truman Oliphant, late 5th E. R.

No. 943 *of* 1866.—The following promotions are made in the Bengal Staff Corps, from the dates specified, under the provisions of G. G. O. No. 808, of the 26th September 1866, subject to Her Majesty's approval :—

TO BE LIEUTENANT COLONELS,

Having served 26 *years.*

Captain (Brevet Lieutenant Colonel) Archibald Oliver Wood.	12th Sept. 1866.
Major Albert Balcombe Beatson.*	27th Sept. 1866.

TO BE MAJORS,

Having served 20 *years.*

Captain (Brevet Major) John Wedderburn.	12th Sept. 1866.
Captain (Brevet Major) Henry Edward Iremonger.	
Captain (Brevet Major) Trevor Wheler.	
Captain (Brevet Lieutenant Colonel) Edward Oakes.	
Captain (Brevet Major) Robert Alexander Napper.	
Captain (Brevet Lieutenant Colonel) Robert Patrick Anderson.	
Captain (Brevet Major) Frederick Procter Bailey.	
Captain (Brevet Major) William Harington Hawes.	
Captain (Brevet Lieutenant Colonel) Charles Henry Barchard, C. B.	

* This cancels his promotion to Lieut.-Colonel by Brevet, published in G. G. O. No. 829 of 1866.

Captain (Brevet Major) Edward Smalley. Captain (Brevet Major) Charles Andrews. Captain (Brevet Major) Charles Lyons Montgomery. Captain (Brevet Major) Henry Lockhart Gleig. Captain (Brevet Major) George Augustus Cuyler. Captain (Brevet Major) William Conrad Hamilton. Captain (Brevet Major) Jonathan Keer. Captain (Brevet Major) George Corham Huxham. Captain (Brevet Major) Albert Balcombe Beatson. Captain (Brevet Major) Francis Dashwood Ogilvie. Captain (Brevet Major) Robert Cony Whiting. Captain (Brevet Major) Samuel Dewe White. Lieutenant (Brevet Major) Walter Henry Smith.	12th Sept. 1865.

TO BE CAPTAINS,

Having served 12 *years.*

Lieutenant (Brevet Captain) William Phaire. Lieutenant (Brevet Captain) Melmoth Alaster Douglas Orchard. Lieutenant (Brevet Captain) Thomas Gally Ross. Lieutenant (Brevet Captain) Frederick Macnaghten Armstrong. Lieutenant (Brevet Captain) Harry DeBrett. Lieutenant (Brevet Captain) Robert Stanwix Robertson. Lieutenant (Brevet Captain) Thomas Nicholls Walker. Lieutenant (Brevet Captain) Bernard Cracroft. Lieutenant (Brevet Captain) Archibald Edward Campbell. Lieutenant (Brevet Captain) John Charles Campbell Daunt, V. C.	12th Sept. 1866.

H. K. BURNE, *Lieut. Colonel,*
Offg. Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 5th November 1866.

RAILWAY.

No. 6 R.

The services of Mr. J. F. Robinson, Officiating Deputy Controller of Public Works Accounts, having been placed at the disposal of the Government of Bombay for employment as an Examiner of Railway Accounts, his name is struck off the list of the Public Works Establishment under the Government of India, with effect from the 1st instant.

REVENUE—FORESTS.

No. 35 F.

In accordance with Section 3 of Act VII of 1865, the Governor General in Council is pleased to direct that the under-mentioned trees shall be excluded from the list of reserved trees, under Rule X of the Forest Rules for the Central Provinces, published in Notification No. 16 F of the 22nd August 1865, viz.:—

Kowah *(Pentaptera Arjuna).*
Unjun *(Hardwickia binata).*

C. H. DICKENS, *Lieut. Col.,* R. A.,
Secy. to the Govt. of India.

Fort William, the 15th November 1866.

ESTABLISHMENT.

No. 294.

The under-mentioned gentlemen, Assistant Engineers, 3rd Grade, under covenant with the Secretary of State for India in Council, having reported their arrival at Calcutta, are posted as follows, and will be brought on the effective strength of the Public Works Department on the dates on which they may join their appointments:—

Mr. Charles Swappe, to the Punjab.
" James Craig, to Hyderabad.

WILLIAM MCCLEERY, C. E.,
Offg. Asst. Secy. to the Govt. of India,
For Secy. to the Govt. of India.

Government Telegraph Department.

Erratum.—For "J. H. Shortt," Inspector, 1st Grade, published in the *Gazette of India,* dated 18th August 1866, read "J. A. Shortt."

R. MURRAY, *Major,*
Depy. Dir. Genl. of Tels. in India.

NOTICE.

A New Edition of the Map of DISTRICT NUDDEAH, showing Village boundaries, Scale 1 Mile equal to 1 Inch, in 8 Sections, with a small Index, is now ready for issue.

Applications for the Maps *bonâ fide* on the Public Service, to be addressed to the Registrar, Surveyor General's Office, Calcutta.

For private use, on payment, the Map can be obtained from all Booksellers and the "School Book Society," Calcutta, at the following rates:—

		Rs.	A.	P.
Uncolored and Unmounted.	On *thick paper,* the Map complete in 8 Sections with Index...	8	0	0
	Or each Section separate ...	2	0	0
	On *thin paper,* the Map complete in 8 Sections with Index .	6	0	0
	Or each Section separate ...	1	8	0

N. B.—Parties requiring the Map Colored and Mounted must pay extra for the same.

J. E. GASTRELL, *Lieut. Colonel,*
Offg. Depy. Surveyor Genl. of India.

Statement of Silver Balance in the Mint.

Balance of Bullion under assay, or remaining to be assayed, on the morning of the 5th November 1866	13,96,627
5th November tendered... ...	3,46,933
	17,43,560
Certificates issued	98,817
Balance	16,44,743
6th November tendered... ...	64,613
	17,09,356
Certificates issued	65,130
Balance	16,44,226
7th November tendered	2,83,270
	19,27,496
Certificates issued	.....
Balance	19,27,496
8th November tendered	1,19,362
	20,46,858
Certificates issued	87,425
Balance	19,59,433
9th November tendered	67,251
	20,26,684
Certificates issued	2,02,747
Balance	18,23,937
10th November tendered... ...	93,737
	19,17,674
Certificates issued	2,17,322
Balance	17,00,352
Add difference in value between Tender and Certificates ...	14,437
Balance of Bullion under assay or remaining to be assayed ..	17,14,789
Note.—Value of Silver remaining for coinage at end of week and appertaining to the Mint Balance ...	74,78,638
Ditto ditto not assayed ...	17,14,789
	91,93,427
Deduct value of Silver appertaining to the Currency Department ...	73,42,878
Total ...	18,50,549

CALCUTTA MINT,
The 12th November 1866.

J. A. BALLARD,
Offg. Mint Master.

ADVERTISEMENTS.

THE GAZETTE OF INDIA.

In consequence of the return of the Viceroy and Members of the Government of India to the Presidency, the *Gazette of India* will, on and after the 3rd November, be published in Calcutta. All communications, therefore, regarding the *Gazette*, should be addressed to the Office of the Superintendent of Government Printing, Military Orphan Press.

NOTICE.

Whereas Mr. Thomas Menzies has failed to pay the second instalments of purchase money for Waste Land Allotments Nos. 8 and 9, which were purchased by him at auction on the 10th January 1865, notice is hereby given that this failure to pay has rendered the said allotments liable to re-sale for realization of the arrears under the 14th Rule for the sale of Waste Lands in Oudh.

A detail of the amount which Mr. Thomas Menzies has failed to pay is given below :—

Allotment No. 8.

	Rs.	As.	P.
Second instalment of purchase money due on the 2nd February 1866...	1,282	8	6
Interest to same date	1,154	4	4
Total ...	2,436	12	10

Allotment No. 9.

	Rs.	As.	P.
Second instalment of purchase money due on the 4th February 1866 ...	1,284	13	4
Interest to same date... ...	1,156	4	0
Total ...	2,441	1	4
Grand Total ...	4,877	14	2

H. J. SPARKS,
Offg. Depy. Commissioner.

MOHUMDEE,
DEPY. COMMR.'S OFFICE;
The 30th October 1866.

Price Five Rupees.

Finance and Revenue Accounts of the Government of India for the year 1864-65, and Estimate of Revenue, Expenditure, and Cash Balances for 1865-66, with a comparison of the two years.

Price Two Rupees.

Budget Estimate of Revenue, Expenditure, and Cash Balances of the Government of India for the year 1866-67.

CALCUTTA:
OFFICE OF SUPDT. OF GOVERNMENT PRINTING
MILITARY ORPHAN PRESS.
1866.

CURRENCY NOTES LOST OR STOLEN.

Extract from Financial Department Notification No. 1004 A, dated Simla, 30th July 1866.

Para. 9.—"The person making the statement respecting a lost or destroyed note, or portion of note, will be required to advertise its loss (free of charge) *thrice* at least in the *Official Gazette* of the Presidency or place where or within which the note is payable, and *once* in the *Gazette of India*."

LOST

Second half of the following Currency Note, intimation of which has been given to the Currency Office, Allahabad:—

No. $\frac{A}{13}$04541 for Rs. 50

In transit through the Post between Murree and Rawul Pindee the first halves of the following Lahore Circle Currency Notes:—

No. $\frac{A}{28}$31977 for Rs. 20
" $\frac{A}{28}$31976 " 20
" $\frac{A}{18}$64688 " 10

In transit by Post left half of Government Currency Note No. $\frac{A}{50}$33299 for Rs. 100.

Half of the following Currency Note, intimation of loss given to the Currency Office, Calcutta:—

No. $\frac{A}{27}$22104 for Rs. 20

Halves of the following Currency Notes, intimation of loss given to the Currency Office, Allahabad:—

No. $\frac{A}{28}$02519 for Rs. 20
" $\frac{A}{28}$02538 " 20

In transit, between Raepore and Nehtoor, first halves of Currency Notes Nos. $\frac{A}{17}$68741 and $\frac{A}{17}$68744 for Rs. 10 each. Payment stopped.

Right half of the following Currency Note, No. $\frac{A}{18}$96039, dated 9th May 1862, for Rs. 10. Intimation of loss given to the Currency Office, Calcutta.

Right half Bank note for Rs. 20, No. $\frac{A}{9}$ 68857.

Destroyed portions of the following Currency Notes, intimation of mutilation given to the Currency Office, Calcutta:—

No. $\frac{A}{30}$20995 for Rs. 100
" $\frac{A}{30}$66796 " 100

MUTILATED.

A Currency Note; intimation given to the Currency Office, Calcutta, No. $\frac{A}{9}$76852, for Rs. 20.

LOST OR STOLEN

The following Government Promissory Notes:—Property of last holder Sreeram Paulit, No. 8339 of 4232, dated 31st March 1836, of 4 per cent., Rs. 500, and No. 401 of 32848, dated 30th June 1854, of 4 per cent., Rs. 1,000, and No. 9526 of 27240 dated 28th February 1857, of 5 per cent., Rs. 1,000.

SREERAM PAULIT,
Burra Bazar, 54, Raja's Kuttra.

LOST

The Government Promissory Note No. 3507 of 25547 of the 4 per cent. Loan of 1854-55, dated 30th June 1854, for Company's Rupees One Thousand, originally standing in the name of Lunjee, Sapurjee and Co., and last endorsed to Syud Sultan Allie Khan, the Proprietor, by whom it was never endorsed to any other person. Payment of the above Note, and of interest thereon, has been stopped at the Loan Office; and application is about to be made to Government for the issue of a duplicate Note in favour of the Proprietor.

SYUD SULTAN ALLIE KHAN,
JULLUNDUR, *The 23rd October 1866.* } *Extra Assistant Commr., Jullundur District.*

NOTICE.

DESTROYED BY WHITE ANTS.

The under-mentioned 4 per cent. Government Promissory Notes, standing in the name of Hur Gobind Mullick, the proprietor, by whom they were never endorsed to any other person. Intimation of destruction of the Notes has been given to the Bank of Bengal and Comptroller General of Accounts for the issue of duplicate Notes:—

No. 9197 of 5075 of 1842-43, dated 1st February 1843, at 4 per cent., for Rs. 2,000.
No 10318 of 1835-36, dated 31st March 1836, at 4 per cent., for Rs. 500.
No. 11873 of 14979 of 1835-36, dated 31st March 1836, at 4 per cent., for Rs. 1,000.

HUR GOBIND MULLICK,
Govt. Pensioner.
JUGGUDDAL, *The 5th November 1866.*

Just published in Limp Cloth, price Rs. 2-8.

A COMPILATION OF ORDERS
RELATING TO
MUSKETRY INSTRUCTION,
RIFLED ARMS, AMMUNITION, RANGES AND APPLIANCES,
&c., &c.

By Authority.

The Commander-in-Chief having been pleased to approve of a Compilation, prepared by the Chief Inspector of Musketry, of all general and departmental orders relating to Musketry Instruction, Rifled Arms, Ammunition, Ranges and Appliances, &c., &c., &c., has directed the same to be published for the convenience and use of the Staff of British Regiments and of Departments concerned.

All orders on the subject of Musketry Instruction, found necessary to admit of the system laid down in the Musketry Regulations being adhered to in India, have been revised; and this Compilation is to be considered and quoted as an order in supersession of all those contained in Circular, No. $\frac{610}{E}$ of the 5th September 1862, and subsequently issued from the Office of the Chief Inspector of Musketry.

CALCUTTA:
OFFICE OF SUPDT. OF GOVERNMENT PRINTING,
MILITARY ORPHAN PRESS.
1866.

Just published—Price Five Rupees.

VOLUME II.

OF

SELECTIONS

FROM

CALCUTTA GAZETTES

OF THE

Years 1789 to 1797.

SHOWING THE POLITICAL AND SOCIAL CONDITION OF THE ENGLISH IN INDIA

SEVENTY YEARS AGO.

BY

W. S. SETON-KARR, C. S.,

Judge of the High Court of Judicature and President of the Record Commission.

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REPORT

ON THE

CALCUTTA CYCLONE

OF THE 5TH OCTOBER 1864,

BY

LT. COL. J. E. GASTRELL AND F. H. BLANFORD, A. R. S. M.

WITH MAPS AND DIAGRAMS ILLUSTRATING THE ORIGIN AND PROGRESS OF THE STORM AND THE TRACK OF THE STORM WAVE.

Printed and published for the Government of Bengal by order of the Lieutenant Governor.

Calcutta, 1866.

CALCUTTA:

OFFICE OF SUPDT. OF GOVERNMENT PRINTING,

MILITARY ORPHAN PRESS.

1866.

Just published, price 2 Rupees.

CLASSIFIED LIST

OF

PUBLIC WORKS OFFICERS,

Corrected up to 1st May 1866.

CALCUTTA:

OFFICE OF SUPDT OF GOVERNMENT PRINTING,

MILITARY ORPHAN PRESS.

1866.

FOR SALE

ACTS OF THE IMPERIAL LEGISLATIVE COUNCIL FROM THE YEAR 1854 TO THE PRESENT DATE.

CALCUTTA:

OFFICE OF SUPDT. OF GOVERNMENT PRINTING

MILITARY ORPHAN PRESS.

1866.

Just published.

BENGAL OFFICIAL ARMY LIST.

The Bengal Official Quarterly Army List, No. XVIII, corrected in the Office of the Adjutant General up to the 1st October, is now ready. Price Five Rupees in advance, and Eight Annas extra if sent by Post.

Apply at the Office of Superintendent, Government Printing, Military Orphan Press, Calcutta.

SCALE OF WASTE LANDS IN THE PROVINCE OF OUDH.

Notice is hereby given, that several plots of waste lands in the District of Fyzabad, as shown in the accompanying list, will be sold, by auction, to the highest bidder above the upset price of (2-8) two Rupees eight annas, per acre, on the 15th January 1867, at the Office of the Deputy Commissioner of Fyzabad, should no objection be preferred such as to render it necessary to defer the sale under the provisions of Act XXIII of 1863.

The sale will be made in the manner, and subject to the conditions prescribed by the rules for the sale of waste lands in Oudh, and the provisions of Act XXIII of 1863.

Maps of the several grants can be seen at the Deputy Commissioner's Office.

S. J. NULIN,
Extra Asst. Commr.,
For Offg. Depy. Commr.

List of Jungle grants available for sale in the District of Fyzabad, Province of Oudh.

General No.	Pergunnah.	Name of Grant.	No. of Acres	Boundaries
1	Aldemow ...	Mominpore .	463	Bounded on the north by Mouzah Hosainpore, on the north-west by Mouzah Gyanpore; east, by Mouzah Bunwanah; south, by Mouzahs Retah and Kishenpore, west, by Mouzah Hisrampore.
2	Munjhowra...	Ahrah Deh ..	168	Bounded on the north by Mouzah Mahomedpore; east by Mouzah Bussuntpore, south, by Mouzah Durahpore; west, by Mouzah Ahrora.
3	Ditto ...	Ranepore Umokha ...	322	Bounded on the north by Mouzahs Buhreepore and Gaddeopore; west by Mouzahs Rumal and Bala-Pal-Koulee, south, by Mouzahs Soonagah and Bilonnah; east, by Mouzahs Nagode, Hubrebpore and Blagolah

SALE OF WASTE LANDS IN THE PROVINCE OF OUDH.

Notice is hereby given that several plots of Waste Lands in the District of Gondah, as shown in the accompanying list, will be sold by auction to the highest bidder, above the upset price of Rupees 2-8-0 per acre on the 1st December 1866, at the Office of the Deputy Commissioner of Gondah, should no objection be preferred such as to render it necessary to defer the sale, under the provisions of Act XXIII. of 1863.

The sale will be made in the manner and subject to the conditions prescribed by the Rules for the sale of Waste Lands in Oudh, and to the provisions of Act XXIII. of 1863.

Maps of the several grants can be seen at the Deputy Commissioner's Office.

A. G. GROTE,
Asst. Commr., for Depy. Commr.

List of Jungle Grants available for sale in the District of Gondah in the Province of Oudh.

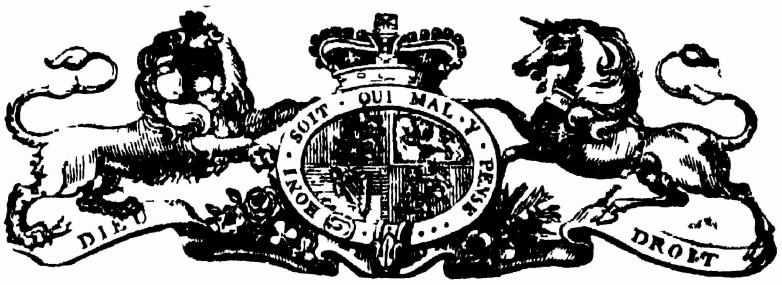
General No.	Pergunnah.	Name of Grant.	Number of Acres.	BOUNDARIES.
				Tehseel Turrufgunge.
1	Munkapoor ...	Chittownah Kote	3,104	Bounded on the north by mouzah Sujjway Nuddy; on the south by Mr. Glynn's grant; on the east by Munawur Nuddy, and on the west by Grant No. 8 (Sujjway Surokar).
2	Ditto ...	Sujjway Surokar	2,071	Bounded on the north by mouzah Sujjway Nuddy; on the south by Mr. Glynn's grant; on the east by grant Chittownah Kote, and on the west by mouzah Gurrurhaie and grant Tuidooah.
3	Ditto ...	Tuidooah ..	1,027	Bounded on the north by mouzah Khuthireah hamlet of Hurdawah and Sujjway Nuddy; on the south by grant Gurrurhaie; east by Sujjway Nuddy and grant Sujjway Surokar, and on the west by mouzahs Bugdeiriah, Puttanpook, Ditteah, Sutteah, and Ramroop Bunkut, hamlets of mouzah Hurduwah.
4/16	Ditto ...	Kuttahur ...	525	Bounded on the north by mouzah Kuttahur and grant of Yakool Ally Khan; on the south by Sujjway Nuddy; east by Munawur Nuddy, and on the west by mouzah Kuttahur.
5/11	Ditto ...	Choubeypoor ...	1,582	Bounded on the north by Biswee Nuddy; on the south by mouzahs Muddenpoor, Bhyrawa, Choubeypoor, Metilika and Khoorasow; on the east by mouzahs Umgheity, Soreewah, and Khurka, and on the west by mouzah Duttowlee.
6/21	Boorapair ...	Sujjunniah ...	814	Bounded on the north by mouzahs Mullepoor, Dowlutpoor, Saree, and Chandpoor; on the south by Sawaie Nullah, grant of Hurruttun Sing, and mouzah Rehartuppeekee; on the east by mouzah Jessunpoor, and on the west by Sawaie Nullah, mouzahs Muddaipoor and Hutteahghur.
7/13	Ditto ...	Suggragurh ...	1,444	Bounded on the north by mouzahs Mahomedpoor, grant Sawukpoor and Chunderdass; on the south by mouzahs Nuthoonpoor, Phorunda, Hussunghur, and Owradhee; on the east by mouzah Sootheah, and on the west by mouzah Hislampoor.
8/24	Sadoollanugger	Bundrabee ...	2,652	Bounded on the north by Kooany Nuddy; on the south by mouzahs Raneepoor, Achulpoor, Tendooah, Bhaupoor, Ghoorapoor, Bhirwah, and Sokeah Tahir; on the east by mouzah Peetjeah, and on the west by mouzahs Lokeabhur and Manugarah.
9/30	Utroulah ...	Etaie ...	951	Bounded on the north by mouzah Oorlaiha and grant of Baboo Shew Nath Sing and Thakoor Shere Bahadoor Sing; on the south by mouzah Ailrah; on the east by Grant No. 31 (Ramghur) and mouzah Ailrah, and on the west by mouzah Pukkree and Grant No. 26 (Pukkree).
10/11	Ditto ..	Ramghur ...	1,154	Bounded on the north by grants of Baboo Shew Nath Sing and Shere Bahadoor Sing; on the south by Kooany Nuddy; on the east by Kurda Nullah and Grant No. 32, and on the west by mouzah Ailrah and Grant No. 30.

DEPY. COMMR.'S OFFICE;
GONDAH,
The 28th August 1866.

A. G. GROTE,
Asst. Commr., for Depy. Commr.

Printed and Published for the GOVT. OF INDIA, *at the Office of* SUPDT. OF GOVT. PRINTING, *Military Orphan Press, 6, Bankshall Street, Calcutta.*

No. 47.



The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, NOVEMBER 24, 1866.

HOME DEPARTMENT.

LEGISLATIVE.

Simla, the 30th October 1866.

The following Bill and Statement of Objects and Reasons accompanying it, are published for general information by order of His Excellency the Governor General, under the 19th of the Rules for the Conduct of Business at Meetings of the Council of the Governor General of India for the purpose of making Laws and Regulations :—

THE ADMINISTRATOR GENERAL'S BILL.

ARRANGEMENT OF SECTIONS.

PART I.—*Preliminary.*

1. Short Title.
2. Repeal of Acts.
3. Interpretation Clause.

PART II.—*Of the Office of Administrator General.*

4 Designation of the three Administrators General.
5 Appointment, suspension, and removal of Administrators General.
6. Qualification of future and continuance of existing incumbents.
7. Administrator General not to be deemed an Officer of High Court.
8. Probates and Letters of Administration granted by Supreme Courts to Ecclesiastical Registrars, to have same effect as if granted to Administrators General.
9. No Administrator General to be an Ecclesiastical Registrar.
Administrator General not to hold any other office without sanction of Government.
Proviso.
10. Administrator General not to trade.
Exception.
11. Security to be given by Administrator General.
Substitution of security of sureties.
12. No security nor oath to be required by Court from Administrator General.
13. Appointment of Officiating Administrator General.

PART III.—*Of the Rights, Powers, and Duties of the Administrator General.*

(a)—*Grants of Letters of Administration and Probate to the Administrator General.*

14. As regards Administrator General, High Court at Presidency Town to be a Court of competent jurisdiction, wheresoever within the Presidency the assets may be situate.
15. Administrator General entitled to letters of administration, unless granted to next-of-kin of deceased.
Administrator General entitled to preference of creditor, legatee or friend.
16. When administration of estates of persons other than Hindús, Muhammadans or Buddhists is to be by Administrator General.
17. Upon death of any person leaving assets within local limits, High Court may, if assets are in danger, direct Administrator General to apply for administration.
18. Upon death of any person leaving property within local limits, High Court may, if property is in danger, enjoin Administrator General to collect and hold the same until the right of succession or administration is ascertained.
Rate of commission payable in such case.
19. Probate to be granted to executor appearing in course of proceedings taken by Administrator General to obtain administration.
Costs of proceedings taken by Administrator General to be paid out of the estate.

20. If no executor or next-of-kin appear, or give necessary security, letters of administration to be granted to Administrator General.

Administration to effects of deceased Hindús, Muhammadans or Buddhists not to be granted under Section 16, unless required to protect the assets.

Costs of unnecessary application.

21. Administrator General in certain cases to secure and distribute the estates and effects of soldiers.

Proviso.

22. Administrator General not precluded from applying for letters of administration in any case within one month after death of deceased.

23. After revocation, letters of administration granted to Administrator General to be deemed as to him to have been voidable only.

Exception.

Proviso.

24. What payments made or acts done by Administrator General prior to revocation of administration upon production of a will, shall be deemed valid.

25. In what cases Court may recall Administrator General's administration, and grant probate, &c., to executor or next-of-kin.

Unless a will is proved, application to revoke such administration must be made within one year and without needless delay.

26. Costs of obtaining administration, commission, &c., may, on revocation, be ordered by Court to be paid to Administrator General out of the assets.

27. After one year from grant of administration, distribution of assets by Administrator General to be allowed against all claims of which he had no notice.

Persons receiving payments liable to refund.

What to be notice of debt or claim.

28. Letters of administration to be granted to Administrator General in virtue of his office.

Authority given by such letters.

29. Probate granted to Administrator General appointed executor by virtue of his office.

30. Transfer by private executor or administrator of interest under probate or letters of administration.

31. Vesting of estates, &c., in successor to Administrator General.

(b)—Suits by and against Administrator General.

32. Administrator General to sue and be sued in his representative capacity by his name of office.

Suit not to abate by death, etc.

Proviso as to costs.

33. Suits against Administrator General in Courts other than the High Courts in the Presidency Towns.

(c)—Grant of Certificates by Administrator General.

34. In what cases Administrator General may grant certificate.

No certificate to be granted in respect of money in Government Savings Bank.

35. Grant of certificate to creditors.

Proviso.

36. Administrator General not bound to grant certificate, unless satisfied of claimant's title.

37. Certificate with receipt annexed to be a sufficient discharge.

Proviso.

38. Administrator General not bound to take out administration on account of effects, in respect of which he has granted a certificate.

39. Fee for certificate.

(d)—Expenses of the Administrator General's Establishment.

40. Administrator General to defray expenses of establishment, and all other charges not expressly provided for.

(e)—Accounts and Schedules.

41. Administrator General to keep a separate account for each estate, to be open to inspection on payment of fee.

42. Administrator General to furnish half-yearly schedules.

PART IV.—*Of the Audit of the Administrator General's Accounts.*

43. Government to appoint auditors.

44. Auditors to examine schedule and report to Government.

45. Auditors to have power to summon witnesses and to call for books, etc.

Penalty for non-attendance.

46. Costs of preparing schedule, etc., how to be paid.

47. Auditors to report especially to Government if accounts appear not correct.

48. Proceedings upon such report.

49. Costs of reference, etc., how to be defrayed.

PART V.—*Of the Commission of the Administrator General.*

50. Commission to be received by Administrators General.

51. Section 50 not to apply to property of officers and soldiers dying on service, which shall come to hands of Administrator General.

Administrator General only entitled to a commission of three per cent. on gross amount of such property.

52. What expenses, etc., commission is to cover.

How payable.

Commission retained to be deemed a distribution.

53. Commission of Administrators General of Madras and Bombay may be reduced and again raised.

Proviso.

54. Commission or agency not to be charged by executor or administrator other than the Administrator General.

Bequest in favour of executors not affected.

PART VI.—*Miscellaneous.*

55. Government may make and alter rules and orders consistent with this Act—

For custody of assets:

For remittance of money; and

For guidance of Administrator General.

Proviso as to rules now in force.

56. Publication of orders, etc.

57. Orders of Court to have same effect and to be executed in same manner as a decree.

58. Penalty for false evidence.

59. Proceeds of estates unclaimed for fifteen years to be transferred to Government.

60. Mode of proceeding by claimant to recover principal money so transferred.

61. District Judge in certain cases to take charge of property of deceased persons, and to report to Administrator General.

62. Act not to require administration of estates of soldiers, unless Administrator General authorized by Military Secretary.

63. Indian Succession Act and Indian Companies' Act not to affect Administrator General.

Schedule of Acts repealed.

A Bill to consolidate and amend the law relating to the office and duties of Administrator General.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the office and duties of Administrator General; It is hereby enacted as follows :—

PART I.—*Preliminary.*

Short Title.

1. This Act may be called "The Administrator General's Act, 1867."

Repeal of Acts.

2. The Acts and parts of Acts specified in the Schedule hereto are repealed, except so far as they repeal other Acts or Regulations, or parts of Acts or Regulations. All things duly done under any of the Acts or parts of Acts hereby repealed, shall be considered as having been done under this Act.

Interpretation clause.

3. In this Act, unless there be something repugnant in the subject or context—

Presidency of Bengal.

"Presidency of Bengal" includes the territories respectively under the governments of the Lieutenant Governors of Bengal, the North-Western Provinces, and the Punjab, and under the administrations of the Chief Commissioners of Oudh, the Central Provinces, and British Burmah:

Presidency of Madras.

"Presidency of Madras" includes the territories under the government of the Governor of Fort St. George, and also, so far as regards British subjects, Mysore, Coorg and the Hyderabad Assigned Districts.

Presidency of Bombay.

"Presidency of Bombay" means the territories under the government of the Governor of Bombay:

Presidency Town.

"Presidency Town" means the town of Calcutta, Madras or Bombay, as the case may be:

Government.

"Government" means the Governor General of India in Council, so far as the Act relates to the Presidency of Bengal; the person for the time being administering the executive government of the Presidency of Fort St. George, so far as the Act relates to the Presidency of Madras; and the person for the time being administering the executive Government of the Presidency of Bombay, so far as the Act relates to that Presidency.

District Judge.

"District Judge" means the Judge of a principal Civil Court of original jurisdiction.

Letters of Administration.

"Letters of Administration" shall include any letters of administration, whether general or limited, or with a will annexed, and letters *ad colligenda bona:*

Next-of-kin.

"Next-of-kin" includes a widower or widow of a deceased person, or any other person who, by law and according to the practice of the Courts, would be entitled to letters of administration in preference to a creditor or legatee of the deceased:

Officer.

"Officer" means a Commissioned Officer of Her Majesty's Army, or of Her Majesty's Indian Army:

Soldier.

"Soldier" means a soldier of Her Majesty's Army, or European soldier of Her Majesty's Indian Army, including a Warrant and a Non-Commissioned Officer.

Words in the masculine gender include the feminine; and words in the singular number include the plural, and *vice versâ.*

PART II.—*Of the Office of Administrator General.*

Designation of the Administrators General in the three Presidencies.

4. In each of the Presidencies of Bengal, Madras and Bombay, there shall be an Administrator General. The said Administrators General shall be called respectively the Administrator General of Bengal, the Administrator General of Madras, and the Administrator General of Bombay.

Appointment, suspension and removal of Administrators General.

5. Such Officers shall be appointed and may be suspended or removed by the authorities hereinafter mentioned respectively, that is to say,—

The Administrator General of Bengal, by the Governor General of India in Council: the Administrator General of Madras, by the Government of Fort St. George; and the Administrator General of Bombay, by the Government of Bombay.

Qualification of future and continuance of existing incumbents.

6. Any person hereafter appointed to the office of Administrator General or Officiating Administrator General of any of the said Presidencies, shall be a member of the Bar of England or Ireland, or of the Faculty of Advocates in Scotland, of not less than five years' standing; but any person now holding such office shall continue to hold the same, subject to the provisions contained in the other Sections of this Act.

Administrator General not to be deemed an Officer of High Court.

7. The Administrator General shall not be deemed in that capacity to be an Officer of any High Court.

Probates and letters of administration granted by Supreme Courts to Ecclesiastical Registrars to have same effect as if granted to the Administrators General.

8. All probates and letters of administration granted by any of the late Supreme Courts of Judicature to the Ecclesiastical Registrar of such Court in virtue of his office, shall have the same effect in all respects as to any act hereafter to be done or required to be done under this Act, as if they had been granted to the Administrator General.

No Administrator General to be Ecclesiastical Registrar.

Administrator General not to hold any other office without sanction of Government.

Proviso.

9. No person now holding the office of Administrator General, or hereafter to be appointed to such office in any of the said Presidencies, shall hold the office of Ecclesiastical Registrar, nor, without the express sanction of Government, any other office, together with that of Administrator General: Provided that the Administrator General of the

Presidency may be appointed Official Trustee under Act No. XVII of 1864: Provided also, that nothing in this Act shall prevent the Administrator General of Bengal from holding the office of Receiver of the High Court of Judicature at Fort William.

Penalty for trading.

10. It is hereby declared to be an offence punishable in manner provided by Section 168 of the Indian Penal Code, for any Administrator General to trade or traffic for his own benefit, or for the benefit of any other person, unless so far as shall appear to him to be expedient for the due management of the estates which shall come into his charge under the provisions of this Act, and for the sole benefit of the several persons entitled to the proceeds of such estates respectively; but this exception is not to be construed to alter the civil liabilities of the Administrator General as trustee of such estates.

Exception.

Security to be given by Administrator General.

11. Unless the Governor General of India in Council or the Government, with the sanction of the Governor General of India in Council, shall otherwise order, every Administrator General hereafter to be appointed shall give security to the Government of India for the due execution of his office, for one lakh of Rupees by his own bond, and for another lakh of Rupees, or for separate sums, amounting together to one lakh of Rupees, by the deposit of Government securities, or by the joint and several bond or bonds of two or more sureties to be approved by Government, or partly by such deposit and partly by such bond or bonds: Provided that every Administrator General may, with the consent of Government, substitute either of the said two last-mentioned kinds of security for another previously given for such last-mentioned lakh, or any part of it; and every Administrator General may, with the consent of Government, and shall from time to time when required by Government so to do, cause fresh sureties to be substituted for any of those previously bound so far as the security shall relate to the due execution of his office for the time then to come.

Substitution of security or sureties.

No security nor oath to be required by Court from Administrator General.

12. No Administrator General shall be required by any Court to enter into any administration bond, or to give other security to the Court, on the grant of any letters of administration to him in virtue of his office; and no Administrator General shall be required to verify, otherwise than by his signature, any petition presented by him under the provisions of this Act.

Appointment of Officiating Administrator General.

13. Whenever any person holding the office of Administrator General shall obtain leave of absence, it shall be lawful for the Government to appoint some person to officiate as Administrator General, and such person while so officiating shall be subject to the same conditions and be bound by the same responsibilities as the Administrator General by any law now in force or that may hereafter be enacted, and he shall be deemed to be Administrator General for the time being under this Act, and shall be liable to give security under Section 11 of this Act in like manner as if he had been appointed Administrator General.

PART III.—*Of the Rights, Powers and Duties of the Administrator General.*

(a)—Grants of Letters of Administration and Probate to the Administrator General.

As regards Administrator General, High Court at Presidency Town to be deemed a Court of competent jurisdiction within meaning of Sections 187 and 190 of Indian Succession Act.

14. So far as regards the Administrator General of any of the Presidencies of Bengal, Madras and Bombay, the High Court of Judicature at the Presidency Town shall be deemed to be a Court of competent jurisdiction within the meaning of Sections 187 and 190 of the Indian Succession Act, 1865, wheresoever within the Presidency the property to be comprised in the probate or letters of administration may be situate.

Administrator General entitled to letters of administration, unless granted to next-of-kin of deceased.

Administrator General entitled in preference to creditor, legatee or friend.

15. Any letters of administration, or letters *ad colligenda bona*, which shall hereafter be granted by the High Court of Judicature at any Presidency Town, shall be granted to the Administrator General of the Presidency, unless they shall be granted to the next-of-kin of the deceased. The Administrator General of the Presidency shall be deemed to have a right to letters of administration in preference to that of any person merely on the ground of his being a creditor, residuary or other legatee, or friend of the deceased.

When administration of estates of persons other than Hindús, Muhammadans or Buddhists is to be by Administrator General.

16. If any person, not being a Hindú, Muhammadan or Buddhist, shall have died, whether within any of the said Presidencies or not, and whether before or after the passing of this Act, and shall have left assets exceeding the value of five hundred Rupees within any of the said Presidencies, and no person shall, within one month after his death, have applied in India for probate of a will, or for any letters of administration of his estate, the Administrator General of the Presidency in which such assets shall be is hereby required, within a reasonable time after he shall have had notice of the death of such person, and of his having left such assets as aforesaid, to take such proceedings as may be necessary to obtain from the High Court of Judicature at the Presidency Town, letters of administration to the effects of such person, either generally or with a will annexed, as the case may require. Whenever the Administrator General of the Presidency shall take proceedings under this Section, it shall be sufficient if the petition required by Section 246 of the Indian Succession Act, 1865, shall state the time and place of the deceased's death to the best of the petitioner's knowledge or belief, that the deceased left some property within the Presidency as hereinbefore defined, and the amount of assets which are likely to come into the petitioner's hands.

17. Whenever any person, whether a Hindú, Muhammadan or Buddhist, or not, shall die leaving assets within the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at the Presidency Town, it shall be lawful for the Court, upon the application of any person interested in such assets, or in the due administration thereof, either as a creditor, legatee, next-of-kin, or otherwise, or upon the application of a friend of any minor who may be so interested, or upon the application of the Administrator General, if the applicant shall satisfy the Court that danger is to be apprehended of the misappropriation of such assets unless letters of administration of the effects of such person are granted, to make an order, upon such terms as to costs as to the Court shall seem fit, directing the Administrator General to apply for letters of administration of the effects of such person.

Upon death of any person leaving assets within local limits, High Court may, on application if assets are in danger, direct Administrator General to apply for administration.

18. Whenever any person, whether a Hindú, Muhammadan or Buddhist, or not, shall have died leaving moveable or immoveable property within the local limits of the ordinary original civil jurisdiction of any of the said High Courts, and such Court shall be satisfied that danger is to be apprehended of the misappropriation or waste of such property, before it can be ascertained who may be legally entitled to the succession to such property, or whether the Administrator General is entitled to letters of administration to such deceased person, it shall be lawful for the Court to authorize and enjoin the Administrator General to collect and take possession of such property, and to hold or deposit or invest the same according to the orders and directions of the Court, and in default of any such orders or directions, according to the provisions of this Act so far as the same are applicable to such property; and the Administrator General shall be entitled to a commission of one *per centum* upon the amount of all moveable assets collected or received by him in pursuance of such order, and also to reimburse himself for all payments made by him in respect of the assets which a private administrator of such assets might lawfully have made; and in case letters of administration of any such property shall be afterwards granted to the Administrator General, the said commission of one *per centum* shall be deemed a part payment of the commission payable to the Administrator General under the letters of administration. Any order of Court made under the provisions of this Section, shall entitle the Administrator General to collect and to take possession of such property, and, if necessary, to maintain a suit for the recovery thereof.

Upon death of any person leaving property within local limits, High Court may, if property is in danger, enjoin Administrator General to collect and hold the same until right of succession or administration is ascertained.

Rate of commission payable in such case.

19. If in the course of proceedings to obtain letters of administration under the provisions of Section 16 or Section 17 of this Act, any executor appointed by a will of the deceased shall appear according to the practice of the Court and prove the will and accept the office of executor, or if any person shall appear according to such practice and make out his claim to letters of administration as next-of-kin of the deceased, and shall give such security as shall be required of him by law or by the practice of the Court, the Court shall grant probate of the will or letters of administration accordingly, and shall award to the Administrator General his costs of the proceedings so taken by him, to be paid out of the estate as part of the testamentary expenses thereof.

Probate to be granted to executor appearing in the course of proceedings taken by Administrator General to obtain administration.

Costs of proceedings taken by the Administrator General to be paid out of the estate.

20. If no person shall appear according to the practice of the Court, and entitle himself to probate of a will, or to a grant of letters of administration as next-of-kin of the deceased, or if the person who shall entitle himself to a grant of administration shall neglect to give such security as shall be required of him by law or according to the practice of the Court, the Court shall grant letters of administration to the Administrator General: Provided that, in the case of an application being made under Section 17 of this Act for letters of administration to the effects of a deceased Hindú, Muhammadan or Buddhist, the Court may refuse to grant letters of administration to any person if it be satisfied that such grant is unnecessary for the protection of the assets, and in such case the said Court shall make such order as to the costs of the application as it shall think just.

If no executor or next-of-kin appear or give necessary security, letters of administration to be granted to Administrator General.

Administration to effects of deceased Hindús, Muhammadans or Buddhists, not to be granted under Section 17, unless required to protect the assets.

Costs of unnecessary application.

21. The Administrator General shall, when duly authorized or required so to do by the Military Secretary to Government, secure and distribute the assets of the estate and effects of any officer, soldier, or other person subject to any Articles of War, in all cases in which such estate and effects do not exceed on the whole five hundred Rupees, charging the estate with a commission of three *per centum* only. It shall not be necessary for the Administrator General to take out letters of administration in cases referred to in this Section.

Administrator General in certain cases to secure and distribute the estate and effects of soldiers.

Proviso.

22. Nothing in this Act is intended to preclude the Administrator General from applying to the Court for letters of administration in any case, within the period of one month from the death of the deceased.

Administrator General not precluded from applying for letters of administration in any case within one month after death of deceased.

23. If any letters of administration which shall be granted to the Administrator General under the provisions of this Act, shall be revoked or recalled, the same shall, so far as regards the Administrator General and all persons acting under his authority in pursuance thereof, be deemed to have been only voidable; except as to any act done by any

After revocation, letters of administration granted to Administrator General to be deemed as to him to have been voidable only.

Exception.

such Administrator General or other person as aforesaid, after notice of a will or of any other fact which would render such letters of administration void: Provided that no notice of a will or of any other fact which would render any such letters of administration void, shall affect the Administrator General or any person acting under his authority in pursuance of such letters of administration, unless, within the period of one month from the time of giving such notice, proceedings be commenced to prove the will, or to cause the letters of administration to be revoked, nor unless such proceedings be prosecuted without unreasonable delay.

Proviso.

24. If any letters of administration which shall be granted under this Act, shall be revoked upon the production and proof of a will, all payments made or acts done by or under the authority of the Administrator General in pursuance of such letters of administration prior to the revocation thereof, which would have been valid under any letters of administration lawfully granted to him with such will annexed, shall be deemed valid, notwithstanding such revocation.

What payments made or acts done by Administrator General prior to revocation of administration upon production of a will, shall be deemed valid.

25. If an executor or next-of-kin of the deceased, who shall not have been personally served with a citation, or had notice thereof in time to appear in pursuance thereof, shall establish to the satisfaction of the Court a claim to probate of a will or to letters of administration in preference to the Administrator General, any letters of administration which shall be granted by virtue of this Act to the Administrator General, may be recalled and revoked, and probate may be granted to such executor, or letters of administration granted to such other person as aforesaid: Provided that no letters of administration, which shall be granted to the Administrator General, shall be revoked or recalled for the cause aforesaid, except in cases in which a will or codicil of the deceased shall be proved in India, unless the application for that purpose shall be made within six months after the grant to the Administrator General, and the Court shall be satisfied that there has been no unreasonable delay in making the application, or in transmitting the authority under which the application shall be made.

In what cases Court may recall administrator General's administration and grant probate, &c, to executor or next-of-kin.

Unless a will is proved, application to revoke such administration must be made within six months and without needless delay.

26. If any letters of administration, which shall be granted to the Administrator General in pursuance of this Act, shall be revoked, the Court may order the costs of obtaining such letters of administration, and the whole or any part of any commission which would otherwise have been payable under this Act, together with the costs of the Administrator General in any proceedings taken to obtain such revocation, to be paid to or retained by the Administrator General out of any assets belonging to the estate.

Costs of obtaining administration, commission, &c, may, on revocation, be ordered by Court to be paid to the Administrator General out of the assets

27. Any payment or delivery of assets to any legatee or to any person entitled in distribution, which shall be made by an Administrator General after the expiration of one year from the grant of the letters of administration under which such payment or delivery shall be made, shall be allowed to the Administrator General as against all creditors and other claimants against the estate, of whose debts or claims he shall not have had notice before making such payment or delivery: Provided that nothing herein contained shall exempt the person to whom such payment or delivery shall be made, from any liability to refund to which he would otherwise be liable: And provided also, that no notice of any debt or claim shall affect the Administrator General, unless proceedings to enforce the debt or claim be commenced within one month after the giving of such notice, and be prosecuted without unreasonable delay.

After one year from grant of administration, distribution of assets by Administrator General to be allowed against all claims of which he had no notice.

Person receiving payments liable to refund.

What to be notice of debt or claim.

28. All letters of administration, which shall be granted to any Administrator General in virtue of his office, shall be granted to him by his name of office, and all letters of administration heretofore granted to the Ecclesiastical Registrar or Administrator General officially, or which shall be granted to any Administrator General in virtue of his office, shall authorize the Administrator General for the time being of the same Presidency to act as administrator of the estate to which such letters of administration shall relate.

Letters of administration to be granted to Administrator General in virtue of his office.

Authority given by such letters.

29. Every probate which shall be granted to any Administrator General of a will wherein he shall be named as executor by virtue of his office, shall be granted to him by his name of office, and shall authorize the Administrator General for the time being of the same Presidency to act as executor of the estate to which such probate shall relate.

Grant of probate to Administrator General named as executor by virtue of his office.

30. It shall be lawful for any private executor or administrator, with the previous consent of the Administrator General of the Presidency in which the property comprised in the probate or letters of administration is situate, by an instrument in writing under his hand, bearing a stamp of ten Rupees, and notified in the local *Gazette*, to transfer all estates, effects and interests vested in him by virtue of such probate or letters to the Administrator General by his name of office; and thereupon the transferor shall be exempt from all liability as such executor or administrator, as the case may be, for any act or omission in respect of the said property after the date of the said transfer; and the Administrator General for the time being shall have the rights and be subject to the liabilities which he would have had, and to which he would have been subject, if the

Transfer by private executor or administrator of interest under probate or letters of administration.

probate or letters of administration, as the case may be, had been granted to him by his name of office at the date aforesaid. Nothing herein contained shall be taken to exempt any such transferor from liability for acts and omissions in respect of the said property prior to the transfer.

Vesting of estates, etc., in successor of Administrator General.

31. All estates, effects and interests, which, at the time of the death, resignation or removal from office of any Administrator General, shall be vested in him by virtue of such letters of administration, probates or transfers as aforesaid, shall, upon every such death, resignation or removal, cease to be vested in him, and shall vest in his successor in office immediately upon his appointment thereto. All books, papers and documents kept by such Administrator General, by virtue of his office or as such executor or transferree as aforesaid, shall be transferred to and vested in his successor in office.

(b)—Suits by and against Administrator General.

Administrator General to sue and be sued in his representative capacity by his name of office.

Suit not to abate by death, &c.

32. All suits or other proceedings, which shall be commenced by or against any Administrator General in his representative character, may be brought by or against him by his name of office, and no suit or other proceedings already commenced, or which shall be commenced, by or against any person as Administrator General, either alone or jointly with any other person, shall abate by reason of the death, resignation or removal from office of any such Administrator General, but the same may, by order of the Court, and upon such terms as to the service of notices or otherwise as the Court may direct, be continued by or against his successor immediately upon his appointment, in the same manner as if no such death, resignation or removal had occurred: Provided that nothing hereinbefore contained shall render any such successor personally liable for any costs incurred prior to the order for continuing the suit against him.

Proviso as to costs.

Suits against Administrator General in Courts other than Presidency town High Courts.

33. If any suit shall be brought against any Administrator General in his representative character in any Court other than the High Court in the Presidency town, the plaintiff shall be liable to pay the costs of the suit and shall not be entitled to have the decree (if any) in such suit enforced, unless upon proof by affidavit or otherwise that not less than one calendar month previous to the institution of the suit, he had applied in writing to the Administrator General, stating the amount and other particulars of the claim, and supported the same by such evidence as, under the circumstances of the case, the Administrator General was reasonably entitled to require.

(c)—Grant of Certificates by Administrator General.

In what case Administrator General may grant certificate.

34. Whenever any person, not being a Hindú, Muhammadan or Buddhist shall have died, whether within any of the said Presidencies or not, and whether before or after the passing of this Act, and shall have left moveable assets within any of the said Presidencies, and the Administrator General of such Presidency shall be satisfied that such effects do not exceed in the whole five hundred Rupees in value, he may, after the lapse of one month from the death, if he shall think fit, or before the lapse of the said month, if he shall be requested so to do by writing under the hand of the widow or other person entitled to administer the effects of the deceased, grant to any person claiming to be entitled to a principal share of such effects, certificates under his hand entitling the claimant to receive the sums or securities for money therein severally mentioned, belonging to the effects of the deceased, to the value of any sum not exceeding in the whole five hundred Rupees: Provided that no certificate shall be granted under this Section where letters of administration of such effects have been granted, or in respect of any sum of money deposited in a Government Savings Bank.

No certificate to be granted in respect of money in Government Savings Bank.

Grant of certificate to creditors.

35. If in cases falling within Section 34 of this Act, no person claiming to be entitled to a principal share of the effects of the deceased, shall, within three months, obtain a certificate from the Administrator General under the same Section, or letters of administration to the estate and effects of the deceased, the Administrator General may administer the estate without letters of administration in the same manner as if such letters of administration had been granted to him; and if he shall neglect or refuse to take upon himself the administration of the estate and effects, he shall, upon the application of a creditor and upon being satisfied of his title, grant a certificate in the same manner as if such creditor were entitled to a principal share of the effects of the deceased, and such certificate shall have the same effect as a certificate granted under the provisions of the same Section, and shall be subject to all the provisions of this Act which are applicable to such certificate: Provided that the Administrator General may, before granting such certificate, if he think fit, require the creditor to give reasonable security for the due administration of the estate and effects of the deceased.

Proviso.

Administrator General not bound to grant certificate unless satisfied of claimant's title, &c.

36. The Administrator General shall not be bound to grant any such certificate, unless he shall be satisfied of the title of the claimant and of the value of the effects of the deceased, either by the oath, affidavit or solemn affirmation of the claimant (which oath, affidavit or affirmation the Administrator General is hereby authorized to administer or take), or by such other evidence as he shall require.

Certificate with receipt annexed, to be a sufficient discharge.

37. Any such certificate, with a receipt annexed under the hand of the person to whom the certificate shall be granted, shall be a full discharge for payment or delivery to him of the money, or security for money therein mentioned, to the person paying or delivering the same: but nothing in this Act shall preclude any executor or administrator of the deceased from recovering from the person receiving the same, the

Proviso.

amount remaining in his hands, after deducting the amount of all debts or other demands lawfully paid or discharged by him in due course of administration. And any creditor or claimant against the estate of the deceased shall be at liberty to recover his debt or claim out of the assets received by such person, and remaining in his hands unadministered, in the same manner and to the same extent as if such person had obtained letters of administration to the estate of the deceased.

Administrator General not bound to take out administration on account of effects, in respect of which he has granted certificate.

38. The Administrator General shall not be bound to take out letters of administration to the estate of any deceased person on account of the effects in respect of which he shall grant any such certificate; but he may do so if he shall discover any fraud or misrepresentation made to him, or that the value of the estate exceeded five hundred Rupees.

Fee for certificate.

39. For every such certificate the Administrator General shall be entitled to charge a fee calculated after the rate of three Rupees in the hundred on the amount mentioned in the certificate.

(d)—Expenses of the Administrator General's Establishment.

Administrator General to defray expenses of establishment, and all other charges not expressly provided for.

40. The Administrator General shall defray all the expenses of the establishment necessary for his office, and all other charges to which the said office shall be subject, except those for which express provision is made by this Act.

(e)—Accounts and Schedules.

Administrator General to keep a separate account for each estate, to be open to inspection on payment of fee.

41. The Administrator General of each of the said Presidencies shall enter into books, to be kept by him for that purpose, separate and distinct accounts of each estate, and of all such sums of money, bonds and other securities for money, goods, effects and things as shall come to his hands, or to the hands of any person employed by him, or in trust for him, under this Act; and likewise of all payments made by him on account of such estate, and of all debts due by or to the same, specifying the dates of such receipts and payments respectively. Such books shall be kept in the Administrator General's Office, and shall be open for the inspection of all such persons, practitioners in the said Courts and others, as may have occasion to inspect the same, at office hours, paying only such reasonable fee as hath been or shall be, from time to time, fixed by the Government and published in the official *Gazette* of the Presidency to which the same may relate.

Administrator General to furnish half-yearly schedules.

42. The Administrator General of each of the said Presidencies shall, twice in every year, that is to say on or before the first day of April and on or before the first day of October, or on such other days as the Government shall, by any rules or orders to be published as aforesaid, direct, exhibit and deliver, in open Court, a true schedule showing the gross amount of all sums of money received or paid by him on account of each estate in his charge, and the balances during the period of six months ending severally on the thirty-first day of December and thirtieth day of June next before the day of delivering such schedule, and a true list of all bonds or other securities received on account of each of the said estates during the same period; and also a true schedule of all administrations, whereof the final balances shall have been paid over to the persons entitled to the same, during the same period, specifying the amount of such balances, and the persons to whom paid. Such schedules shall be filed of record in such High Court, and shall, within fourteen days afterwards, be published in the official *Gazette* of the Presidency by the said Administrator General; and copies thereof in triplicate shall be delivered by such Administrator General to the Secretary of the said Presidency, and shall be sent by the Governor thereof to the Secretary of State for India, in order that such Secretary may, if he think fit so to do, order the same to be deposited at the India Office, for public inspection, and may cause notices to be published in the *London Gazette* and other leading newspapers, that such schedules are open to inspection there, or may make such other orders respecting the same as he may think fit.

Schedules to be filed and published.

PART IV.—*Of the Audit of the Administrator General's Accounts.*

Government to appoint auditors.

43. The Government shall, from time to time, appoint auditors to examine the accounts of the Administrator General at the times of the delivery of the said schedules, and also at any other time when the Government shall think fit.

Auditors to examine schedule, and report to Government.

44. The auditors shall examine the schedules and accounts, and report to the Government whether they contain a full and true account of every thing which ought to be inserted therein, and whether the books which, by this Act, are, or which, by any such general rules and orders as hereinafter mentioned, shall be directed to be kept by the Administrator General, have been duly and regularly kept, and whether the assets and securities have been duly kept and invested and deposited in the manner prescribed by this Act, or which shall be prescribed by any such rules and orders to be made as aforesaid.

Auditors to have power to summon witnesses and to call for books, &c.

45. Every auditor shall have power to summon as well the Administrator General as any other person whose presence he may think necessary, to attend him from time to time; and to examine the Administrator General, or other person, if he shall think fit, on oath or solemn affirmation, to be by him administered; and to call for all books, papers, vouchers and documents, which shall appear to him to be necessary for the purposes of the said reference. If the Administrator General or other person when summoned shall refuse, or, without reasonable cause, neglect to attend or to produce any book, paper, voucher or document so required, or shall attend and refuse to be sworn or make a solemn affirmation, when by law an affirmation may be substituted for

an oath, or shall refuse to be examined, the auditors shall certify such neglect or refusal in writing to the High Court at the Presidency Town; and every person so refusing or neglecting, shall thereupon be punishable in like manner as if such refusal or neglect had been in contempt of the said High Court.

Penalty for non-attendance.

46. The costs and expenses of preparing and publishing the said schedules and copies thereof, and of every such reference and examination as aforesaid, shall be defrayed by all the estates to which such schedules or accounts shall relate. Such costs and expenses, and the portion thereof to be contributed by each of the said estates, shall be ascertained and settled by the auditors, subject to the approval of the Government, and shall be paid out of the said estates accordingly by the Administrator General.

Costs of preparing schedules, &c., how to be paid.

47. If upon any such reference and examination the auditors shall see reason to believe that the said schedules do not contain a true and correct account of the matters therein contained, or which ought to be therein contained, or that the assets have not been duly kept and invested or deposited in the manner directed by this Act, or which shall be directed by any such rules and orders as aforesaid, or that the Administrator General has failed to comply with the provisions and directions of this Act, or of any such rules and orders, they shall report accordingly to the Government.

Auditors to report specially to Government, if accounts appear not correct.

48. The Government may refer every such report as last aforesaid to the consideration of the Advocate General for the Presidency, who shall thereupon, if he shall think fit, proceed summarily against the defaulter or his executor or administrator in the High Court in the Presidency town by petition for an account, or to compel obedience to this Act, or to such rules and orders as aforesaid, or otherwise as he may think fit, in respect of all or any of the estates then or formerly under the administration of such defaulter; and the said Advocate General shall have power to exhibit interrogatories to the said Administrator General, executor or Administrator (hereinafter called the defendant), who shall be bound to answer the same as fully as if a commission had been issued, under the provisions of the Code of Civil Procedure, for his examination upon the said interrogatories. The Court shall have power upon any such petition, to compel the attendance in Court of the defendant and any witnesses who may be thought necessary, and to examine them orally or otherwise as the said Court shall think fit, and to make and enforce such order or orders as the Court shall think just.

Proceedings upon such report.

49. The costs, including those of the Advocate General, and of the reference to him, if the same shall be directed by the Court to be paid, shall be defrayed either by the defendant or out of the estates rateably as the said Court shall direct; and whenever any costs shall be recovered from the defendant, the same shall be repaid to the estates by which they shall have been in the first instance contributed, and the Court may, if it shall think fit, order the defendant to receive his costs out of the said estates.

Costs of reference, &c., how to be defrayed.

PART V.—*Of the Commission of the Administrator General.*

50. The Administrator General of each of the said Presidencies, under any letters of administration which shall be granted to him in his official character, or under any probate which shall be granted to him of a will wherein he shall be named as executor by virtue of his office; or under any probates or letters of administration which are or shall be vested in him by Section 8 or Section 30 of this Act, shall be entitled to receive a commission at the following rates respectively, viz.:—

Commission to be received by Administrators General.

The Administrator General of Bengal at the rate of three *per centum*, and the Administrators General of Madras and Bombay respectively at the rate of five *per centum*, upon the amount or value of the assets which they shall respectively collect and distribute in due course of administration.

51. The last preceding Section shall not apply to cases in which the property of an officer or soldier dying on service shall come to the hands of the Administrator General of any of the said Presidencies, under the 9th or the 12th Section of the Statute called "The Regimental Debts Act, 1863;" and such Administrator General shall not be entitled to take, and it shall not be lawful for him to take, a percentage on any such property exceeding three *per centum* on the gross amount coming to his hands after the passing of the Administrator General's Act, 1865, if preferential charges as defined by the 4th Section of the said Statute have been previously paid, or on the gross amount remaining in his hands after payment by him of such charges, as the case may be.

Section 50 not to apply to property of officers and soldiers dying on service, which shall come to hands of Administrator General.

Administrator General only entitled to a commission of three per cent. on gross amount of such property.

52. The Administrator General shall be entitled to reimburse himself for any payments made by him in respect of any estate in his charge, which a private administrator of such estate might have lawfully made; but save as aforesaid the commission to which the Administrator General of each of the said three Presidencies shall be entitled, is intended to cover, not merely the expenses and trouble of collecting the assets, but also his trouble and responsibility in distributing them in due course of administration. It is therefore enacted that one-half of such commission shall be payable to and retained by such Administrator General upon the collection of the assets, and the other half thereof shall be payable to the Administrator General who shall distribute any assets in the due course of administration, and may be retained by him upon such distribution. The amount of the commission lawfully retained by an Administrator General upon the distribution of

What expenses, &c., commission is to cover.

How payable.

Commission retained to be deemed a distribution.

assets, shall be deemed a distribution in the due course of administration within the meaning of this Act.

Commission of the Administrators General of Madras and Bombay may be reduced and again raised.

53. The Governments of the Presidencies of Fort St. George and Bombay respectively, may, with the sanction of the Governor General of India in Council, from time to time, order the aforesaid rate of commission hereby authorized to be received by the Administrators General of Madras and Bombay respectively to be reduced and again to be raised: Provided that the commission so to be received shall not at any time exceed five *per centum* of the assets collected, and that no person now holding the office of Administrator General of Madras or Bombay shall, by any such order, be deprived of the right to receive and retain, for his own use, a commission at the rate of three *per centum* in respect of all assets collected and actually administered by him.

Proviso.

Commission or agency not to be charged by executor or administrator other than the Administrator General.

54. No person other than the Administrator General acting officially, shall receive or retain any commission or agency charges for anything done as executor or administrator under any probate or letters of administration, of letters *ad colligenda bona*, which have been or shall be granted by the Supreme Court or High Court of Judicature at Fort William in Bengal since the passing of Act No. VII of 1849, or by either or the Supreme or High Courts of Judicature at Madras and Bombay since the passing of Act No. II of 1850, or which shall hereafter be granted by either of the same High Courts; but this enactment shall not prevent any executor or other person from having the benefit of any legacy bequeathed to him in his character of executor, or by way of commission or otherwise.

Bequest in favour of executors not affected.

PART VI.—*Miscellaneous.*

Government may make and alter rules and orders consistent with this Act—

For custody of assets.

For remittance of money.

55. The Government shall have power, from time to time, to make and alter any general rules and orders consistent with the provisions of this Act, for the safe custody of the assets and securities which shall come to the hands or possession of the Administrator General, and for the remittance to the India Office of all sums of money which shall be payable or belong to persons resident in Europe, or in other cases where such remittances shall be required, and generally for the guidance and government of the Administrator General in the discharge of his duties; and may, by such rules and orders, amongst other things, direct what books, accounts and statements, in addition to those mentioned in this Act, shall be kept by the Administrator General, and in what form the same shall be kept and what entries the same shall contain, and where the same shall be kept, and where and how the assets and securities belonging to the estates to be administered by such Administrator General shall be kept and invested or deposited pending the administration thereof, and how and at what rate or rates of exchange any remittances thereof shall be made. Unless any such rules shall be made and published, the rules now in force in each of the said Presidencies so far as the same are not inconsistent with this Act, shall be of the same force and effect as if the same had been made and published under this Act.

For guidance of Administrator General.

Proviso as to rules now in force.

Publication of orders, &c.

56. Such orders shall be published in the official *Gazettes* of the several Presidencies, and it shall be the duty of the several Administrators General to obey and fulfil the same, and the same shall be a full authority and indemnity for all persons acting in pursuance thereof.

Orders of the Court to have same effect, and to be executed in same manner as a decree.

57. Any order which shall be made under this Act by any Court shall have the same effect and be executed in the same manner as a decree.

Penalty for false evidence.

58. Every person who, having been sworn, or having taken a solemn affirmation under this Act, shall wilfully give false testimony upon any examination authorized by this Act, shall be deemed guilty of the offence of giving false evidence in a judicial proceeding, and, if convicted, shall be liable to be punished accordingly.

The proceeds of estates unclaimed for 15 years to be transferred to Government.

59. The net proceeds of all estates in the official charge of the Administrator General of any of the said Presidencies and which now appear, or shall hereafter appear, from the official books and accounts of the Ecclesiastical Registrar and of the Administrator General of any of those Presidencies, or from the official books and accounts of any of those officers, to have been in official custody for a period of fifteen years or upwards without any claim thereto having been made and allowed, shall be transferred and paid to the Accountant General of Bengal, Madras, or Bombay, as the case may be, and be carried to the account and credit of the Government of India for the general purposes of Government; and the receipt of the said Accountant General shall be a full indemnity and discharge to the said Administrator General for any such payment or transfer: Provided that this Act shall not authorize any transfer or payment of any such proceeds as aforesaid, pending any suit already instituted or which shall be hereafter instituted in respect thereof.

Proviso.

Mode of proceeding by claimant to recover principal money so transferred.

60. If any claim shall be hereafter made to any part of the securities, monies or proceeds which shall be carried to the account or credit of the Government of India under the provisions of this Act, and if such claim shall be established to the satisfaction of the Accountant General to the Government of Bengal, Fort St. George or Bombay, as the case may be, the Government of India shall pay to the claimant the amount of the principal so carried to the credit and account of the said Government of India, or

so much thereof as shall appear to be due to the claimant. If the claim shall not be established to the satisfaction of the said Accountant General, the claimant may apply by petition to the High Court at the Presidency Town against the Government of India, and after taking evidence, either orally or on affidavit, in a summary way, as the said Court shall think fit, the said Court shall make such order on the petition for the payment of such portion of the said principal sum as justice shall require, and such order shall be binding on all parties to the suit.

District Judge in certain cases to take charge of property of deceased persons, and to report to Administrator General.

61. Whenever any person other than a Hindú, Muhammadan or Buddhist shall die leaving assets within the limits of the jurisdiction of a District Judge, and no will shall be found among the effects of the deceased, it shall be the duty of the District Judge to report the circumstance without delay to the Administrator General of the Presidency, retaining the property under his charge, or appointing an Officer under the provisions of the Indian Succession Act, 1865, Section 239, to take and keep possession of the same, until letters of administration shall have been obtained by the Administrator General or by some other person, when the property shall be delivered over to the person obtaining such letters of administration, or, in the event of a will being discovered, to the person who may obtain probate of the will.

Act not to require administration of estates of soldiers, unless Administrator General authorized by Military Secretary.

62. Nothing in this Act is intended to require the Administrator General to take proceedings to obtain letters of administration to the estates or effects of any officer or soldier or other person subject to any Articles of War, unless when the Administrator General shall be duly authorized or required so to do by the Military Secretary to Government; nor is anything in this Act contained intended to interfere with or alter the provisions of any Act of Parliament for regulating the payment of regimental debts, and the distribution of the effects of officers and soldiers dying in the service of Her Majesty in India, or of any Articles of War.

Indian Succession Act and Indian Companies' Act not to affect Administrator General.

63. Nothing contained in the Indian Succession Act, 1865, or the Indian Companies' Act, 1866, shall be deemed or taken to supersede or affect the rights, duties and privileges of the Administrators General and Officiating Administrators General of Bengal, Madras and Bombay, respectively.

SCHEDULE.

Number of Act.	Title of Act.	Extent of Repeal.
VIII of 1855 ...	An Act to amend the law relating to the office and duties of Administrator General.	The whole Act.
XXVI of 1855 ...	An Act to facilitate the payment of small deposits in Government Savings Banks to the representatives of the deceased depositors.	Section 4.
XXVI of 1860 ...	An Act to amend Act VIII of 1855 relating to the office and duties of Administrator General.	The whole Act.
IV of 1865 ...	An Act to exempt the estates of deceased officers and soldiers delivered over to the Administrator General of Bengal, Madras or Bombay, from the operation of the 26th Section of Act No. VIII of 1855.	The whole Act.
X of 1865 ...	The Indian Succession Act, 1865 ...	Section 330.
XXV of 1866 ...	An Act to transfer to the Government of India certain securities and monies deposited in the High Courts of Judicature at Fort William, Madras and Bombay, and in the Supreme Court of the Straits' Settlement, and the proceeds of certain estates in the charge of the Administrator General of Bengal.	So much of the Act as relates to the Administrator General of Bengal.

STATEMENT OF OBJECTS AND REASONS.

The passing of the Indian Succession Act, 1865, and the establishment of a High Court in the North-Western Provinces with original testamentary and intestate jurisdiction, have had serious effects on the office of the Administrator General. Until lately, for instance, whenever a British subject died leaving assets, not only within the jurisdiction of the High Court at Fort William, but in the Punjab, Oudh or the Central Provinces, and the executor or next-of-kin has not acted, the estate has been dealt with by the Administrator General of Bengal. When the assets were out of the jurisdiction, the local judicial authorities sold the property and remitted the proceeds to his office in Calcutta, thus enabling him to administer. The fact of the High Court at Fort William being the only Court in the Bengal Presidency and the Non-Regulation Provinces subordinate thereto, which had testamentary and intestate jurisdiction, greatly increased the number of estates which came into his office.

Under the Indian Succession Act all District Courts possess testamentary and intestate jurisdiction, and executors or next-of-kin, being able to obtain probate or administration on the spot, are adopting and will doubtless generally adopt that course instead of resorting to the Administrators General. This is causing those Officers a serious loss of income, and the loss is likely to become greater. It is true that the Succession Act reserves the rights and privileges of the Administrators General; but at the same time the provisions of that Act diminish the value of those rights and privileges.

The office of Administrator General is of much utility, not only for protecting and winding up estates when the parties entitled are at a distance, but also for administering insolvent and complicated estates when relatives and agency houses would decline to act. Moreover, it has been and ought to be a source of considerable revenue to Government as a medium for collecting the assets of escheated estates, and of estates which are paid over as unclaimed for fifteen years.

Under these circumstances the present Bill proposes to replace, practically, the Administrators General in the position which they occupied before and at the passing of the Succession Act, and to declare that, so far as regards those Officers, the High Courts at the Presidency Towns shall be deemed to be Courts of competent jurisdiction within the meaning of Sections 187 and 190 of that Act, wheresoever within the Presidency the property to be comprised in the probate or letters of administration may be situate. The effect of this provision, taken with the definition of 'Presidency of Bengal' contained in Section 2 of the Bill, will be that the High Court at Fort William may grant to the Administrator General of Bengal letters of administration in respect of assets situate in Bengal, the North-Western Provinces, the Punjab, Oudh, the Central Provinces and British Burmah, and that such letters will authorize him to collect assets throughout the whole of these territories. In the same way, letters of administration granted by the High Court of Madras to the Administrator General of Madras, will authorize him to collect assets throughout the Presidency of Fort St. George, and (in the case of British subjects) Mysore, Coorg and the Hyderabad Assigned Districts. Letters of administration granted to the Administrator General of Bombay, will have a similar effect as regards assets in that Presidency.

The opportunity has been taken of repealing and re-enacting, with certain desirable amendments in wording, arrangement and substance, the six Acts and parts of Acts in which the law relating to the Administrator General is now comprised. The following are the chief amendments here referred to:—

The Administrator General's authority under Act VIII of 1855, Section 11, extends to the estates of all 'British subjects' leaving assets within the Presidency; but as to persons not being Muhammadans, Hindús or 'British subjects,' he cannot interfere unless they leave assets within the local limits of the ordinary original civil jurisdiction of the High Court; the reason being that over the latter class the ecclesiastical jurisdiction of the late Supreme Courts did not extend unless there were assets within the local limits. The present Bill (Sections 16 and 84) proposes to extend the Administrator General's authority to the estates of all persons, not being Hindús, Muhammadans or Buddhists, who die leaving assets exceeding five hundred Rupees within the Presidency. His authority will thus be co-extensive with the jurisdiction conferred by the Succession Act on the District Courts.

Provision has been made (Section 29) for the grant of probate of wills in which the Administrator General shall be named as executor by virtue of his office; and Section 30 has been introduced to enable a legal representative to divest himself of his office and be replaced by the Administrator General, if he will consent to act: this will meet the requirements of legal representatives who may be obliged to leave India before the completion of their duties, or who have found those duties irk-some.

The Administrator General may now be sued in any District Court within the jurisdiction of which the deceased used to reside or may have entered into a contract, and the Administrator General cannot institute an administration suit, and thus stay the proceedings of the plaintiff. With a view to confining suits against the Administrator General to the High Courts, and of thus relieving the estates in his charge from the expense to which they are needlessly subject under the present system, the Bill provides (Section 33) that if any suit shall be brought against that Officer in any Court other than the High Court in the Presidency Town, the plaintiff shall be liable to pay the costs of the suit, and shall not be entitled to have the decree enforced, unless he has applied to the Administrator General, stating the amount of the claim and supporting it by such evidence as, under the circumstances of the case, the Administrator General was reasonably entitled to require.

The Bill proposes (Section 34) to empower the Administrator General to grant certificates in cases where letters of administration of the effects of the deceased have not been taken out for *one* month after his death. The restriction imposed by Act VIII of 1855, Section 43, of waiting *three* months after the death, tends to destroy the benefit of the provision.

H. S. MAINE.

SIMLA,
The 22nd October 1866.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

Agra Camp, the 20th November 1866.

The following Bill and Statement of Objects and Reasons accompanying it, are published for general information by order of His Excellency the Governor General, under the 19th of the Rules for the Conduct of Business at Meetings of the Council of the Governor General of India for the purpose of making Laws and Regulations :—

A Bill to empower Courts of Small Causes in the Mofussil to refer for decision questions arising in the execution of decrees.

Preamble.

Whereas it is expedient to enable the Courts constituted under Act No. XI of 1865 *(to consolidate and amend the law relating to Courts of Small Causes beyond the local limits of the ordinary original Civil jurisdiction of the High Courts of Judicature)* to refer for the decision of the High Court within whose jurisdiction they may respectively be situate questions of law or usage having the force of law arising in the execution of decrees in suits under the said Act; It is hereby enacted as follows :—

Power to refer to High Court questions arising in the execution of decrees.

1. If in the execution of the decree in any suit under the said Act any question of law, or usage having the force of law, shall arise, the Court, in suits for an amount not exceeding five hundred Rupees, may, either of its own motion or on the application of any of the parties to the suit, and in suits for an amount greater than five hundred Rupees shall, draw up a statement of the case and refer it with the Court's own opinion thereon to the decision of the High Court within whose jurisdiction such Court may be situate; and the execution of the decree shall be stayed until the receipt of the order of the High Court upon such reference.

This Act to be read with Act XI of 1865.

2. This Act shall be read with and taken as part of Act No. XI of 1865; and the provisions contained in Sections 24, 25, 26, 27 and 28 of that Act shall *mutatis mutandis* apply to cases referred under this Act.

STATEMENT OF OBJECTS AND REASONS.

Section 22 of Act No. XI of 1865, which consolidates and amends the law relating to the Mofussil Courts of Small Causes, empowers these Courts to refer to a superior Court questions of law or construction arising in the trial of suits under the Act. But it has been doubted whether there is power to refer this class of questions when they arise in the execution of the decree. The present Bill, which has been framed at the desire of the Government of the North-West Provinces, and at the instance of the High Court, precludes such doubts, by expressly giving the power last mentioned.

SIMLA, *5th November* 1866. } H. S. MAINE.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

STAR OF INDIA.

NOTIFICATION.

AGRA, VICEREGAL CAMP, *Saturday, the 17th November* 1866.

On Friday, the 16th November, at half-past twelve o'clock, HIS EXCELLENCY THE VICEROY AND GOVERNOR GENERAL OF INDIA, as GRAND MASTER of the Most Exalted Order of THE STAR OF INDIA, held an Investiture of the said Order, for the purpose of investing with its Insignia the following Chiefs, Officers of Government, and other Persons, nominated by HER MOST GRACIOUS MAJESTY THE QUEEN, and SOVEREIGN OF THE ORDER, to be Knights Grand Commanders, Grand Commanders, and Companions of the Order :—

KNIGHTS GRAND COMMANDERS.

MAHARAJAH TUKHT SINGH OF JODHPORE.
MAHARAJAH MUDDUN PAL OF KERAOLEE.

KNIGHTS COMPANIONS.

THE HON'BLE CECIL BEADON.
THE HON'BLE DONALD FRIELL MCLEOD, C. B.
MAHARAJAH PURKASH SINGH OF DEO.
THE HON'BLE MAHARAJAH VIZIARAM GUJPUTTEE OF VIZIANAGRAM.
MAHARAJAH DRIGBIJEY SINGH, TALOOKADAR OF BULRAMPORE.
MAHARAJAH JYEMUNGUL SINGH OF GIDHORE.
RAJAH DINKUR RAO.
RAJAH RADHAKUNT DEB.
RAJAH DEO NARAIN SINGH.
RAJAH SAHIB DYAL MISSER.
RAJAH NEHAL SINGH CHACHEE.

COMPANIONS.

FLEETWOOD WILLIAMS, ESQ.
NUWAB FOUJDAR KHAN.
RAJAH BUNDESREE PERSHAD SINGH OF SIRGOOJA.
ARTHUR A. ROBERTS, ESQ., C. B.
RAJAH SHUTTOSHURN GHOSAL.
CUDBERT B. THORNHILL, ESQ.
RAJAH BHOWANY SINGH OF MYNPOORIE.
COLONEL CRAWFORD CHAMBERLAIN.
RAJAH SHEORAJ SINGH OF KASHEEPORE.
RAJAH TEEKUM SINGH OF MOORSAN.
COLONEL REYNELL TAYLOR, C. B.
RAJAH JUSWUNT RAO OF ETAWAH.
RAJAH MUHPAL SINGH OF BANSEE.
RAJAH HURDEO BUKSH OF KUTYAREE.
RICHARD TEMPLE, ESQ.
RAJAH DIRGBIJYE SINGH OF MORARMOW.
JOHN W. SHERER, ESQ.
JAMES D. GORDON, ESQ.
DEWAN MOULA BUKSH.
SIRDAR SOORUT SINGH.
SYUD AZUM-OOD-DEEN HUSSUN KHAN BAHADOOR.
COLONEL RICHARD J. MEADE.
MAJOR W. MACNEILE.
BABOO PROSUNNO COOMAR TAGORE.

His Highness the MAHARAJAH SCINDIA, Her Highness the SECUNDER BEGUM OF BHOPAL, His Highness the MAHARAJAH OF JEYPORE, and His Excellency SIR WILLIAM MANSFIELD, K. C. B., Commander-in-Chief of Her Majesty's Forces in India, as Knights Grand Commanders of the Most Exalted Order of the Star of India, assisted at the Investiture. They were received with the usual honors and salutes.

His Honor the LIEUTENANT GOVERNOR of the North-Western Provinces, and the MEMBERS OF THE COUNCIL of the Governor General present at Agra, attended the Installation.

The following Chiefs were present to witness the ceremony; and on their approach, the salutes due to their respective ranks were fired from the Ramparts of the Fort of Agra:—

KOTAH.	OORCHA.
KISHENGURH.	PERTABGURH.
KERAOLEE.	DUTTIA.
BHURTPORE.	SUMPTHUR.
ULWUR.	CHIRKAREE.
TONK.	BIJAWUR.
DHOLEPORE.	CHUTTERPORE.
JHALAWAR.	

The Chief Civil and Military Officers in the North-Western Provinces, and Representatives from the Punjab and from the other Presidencies and Dependencies of the Empire, and the principal Members of the non-official community, European and Native, were invited to the Assembly.

As the GRAND MASTER, wearing the Robes and Insignia of the Order, and attended by his Staff, entered the Durbar Tent, the Guard of Honor presented arms, and a Royal Salute was fired.

When the GRAND MASTER had taken his seat upon the Throne, the SECRETARY OF THE ORDER, by desire of HIS EXCELLENCY, read first in English and then in

Hindoostanee, the Queen's letters of appointment nominating their Highnesses the Maharajahs of Jodhpore and Keraolee to be Knights Grand Commanders of the Order.

The MAHARAJAH OF JODHPORE was then conducted to the GRAND MASTER by the JUNIOR KNIGHT in attendance and by the SECRETARY OF THE ORDER. Having invested His Highness with the Insignia of the Order, the GRAND MASTER addressed the Maharajah, in the Hindoostanee language, to the following purport :—

"MAHARAJAH TUKHT SINGH, MAHARAJAH OF JODHPORE!

"I AM empowered by HER MAJESTY THE QUEEN OF ENGLAND AND INDIA to invest YOUR HIGHNESS with the Insignia of the first Class of the Order of the STAR OF INDIA. I am sure that YOUR HIGHNESS must highly appreciate this great honor; and I trust that it will prove an incentive to you to exert yourself in the good management of MARWAR, which has descended to you from ancestors illustrious in the annals of RAJWARRA. A Chief who ranks so high among the Rulers of that famous country should also take among them a similar position for justice, for benevolence, and for the excellence with which its affairs are managed. It is my earnest desire that this should be the ambition of YOUR HIGHNESS.

"MAHARAJAH! I now invest you with the Insignia of a KNIGHT GRAND COMMANDER OF THE STAR OF INDIA; and by the authority of HER MAJESTY THE QUEEN, declare you to be a KNIGHT GRAND COMMANDER of that Illustrious Order."

With the same ceremonial, the MAHARAJAH OF KERAOLEE was led to the Throne, and was by the Grand Master invested, whereupon His Excellency spoke as follows:—

"MAHARAJAH MUDDUN PAL, MAHARAJAH OF KERAOLEE!

"IT is with great satisfaction that I have received the Commands of HER MAJESTY THE QUEEN OF ENGLAND AND INDIA to invest YOUR HIGHNESS with the Insignia of the STAR OF INDIA.

"YOUR HIGHNESS has obtained the First Class of this Illustrious Order in consequence of your fidelity and good service during the mutiny of 1857. In those days, when some Chiefs hung back from doing their duty to the British Government, and when many were overwhelmed with fear, YOUR HIGHNESS came forward like a true Rajpoot, and your brave clansmen performed good service in the field, fighting side by side with the English Troops.

"I herewith invest you with the Insignia of a KNIGHT GRAND COMMANDER OF THE STAR OF INDIA, and by the Commands of HER MAJESTY the illustrious QUEEN OF ENGLAND, declare that you have been enrolled as a KNIGHT GRAND COMMANDER in that Order."

The two Maharajahs having taken their seats to the left of the Throne as Grand Commanders, the SECRETARY OF THE ORDER read aloud Her Majesty's letter appointing CECIL BEADON and DONALD FRIELL MCLEOD, Esquires, to be Knights Commanders of the Order. They were then presented successively by SIR WILLIAM MANSFIELD and by the SECRETARY OF THE ORDER to the GRAND MASTER, and by HIS EXCELLENCY invested with the Insignia of the Order and declared to be Knights Bachelor of these Realms.

THE SECRETARY proceeded to read, in the Hindoostanee language, HER MAJESTY'S letter appointing the several Native Chiefs and Gentlemen before enumerated to be Knights Commanders of the Order. They were then successively introduced to the GRAND MASTER by the JUNIOR GRAND COMMANDER and by the SECRETARY; and by the GRAND MASTER duly invested and Knighted.

When investing the Maharajah of Bulrampore, the GRAND MASTER said:

"MAHARAJAH DRIG BIJEY SINGH, CHIEF OF BULRAMPORE!

"IT is with the greatest pleasure that in the name of HER MAJESTY THE QUEEN OF ENGLAND, I invest you with the Insignia of the Second Class of the Order of the STAR OF INDIA.

"YOUR HIGHNESS was one of those few Chiefs in Oude who remained faithful to the English Government during the general disaffection in 1857 in that Province. The services which you then performed in saving the lives of Sir Charles Wingfield, and other English Gentlemen, entitle you to the regard and consideration of all my countrymen.

"As the Chief of foremost rank in Oude, I trust that you will always set a good example by the way you manage your large Estates, and the manner with which you treat the people who reside on them, respecting the just rights of all, however poor and helpless. This is a certain road to honor and respect in the eyes of the English Government."

The Knights Grand Commanders and Knights Commanders having all been duly invested and installed in their respective places, the SECRETARY OF THE ORDER called up and presented successively the gentlemen, English and Native, appointed to be COMPANIONS, or Members of the Third Class, of the Order.

In delivering to the Rajah of Morarmow the Insignia of the Order, the GRAND MASTER addressed him in effect as follows :—

"RAJAH DIG BIJYE SINGH OF MORARMOW!

"I HAVE great satisfaction in investing you with the Insignia of the Third Class of the Star of India, conferred on you by HER MAJESTY THE QUEEN OF ENGLAND, in recognition of your services in saving the lives of the English Officers and Soldiers who escaped from Cawnpore in 1857. Your noble conduct on that occasion should endear your name to the hearts of all Englishmen. It was an act, at that time, which could only have been performed from the highest feelings of humanity, and it entitles you to our cordial esteem and gratitude."

Their badges having been by the GRAND MASTER presented to the several Companions of the Order, HIS EXCELLENCY rose, and, still in Hindoostanee, addressed the Assembly :—

"MY FRIENDS,

"Time has not admitted of my addressing individually each Chief and Gentleman who has this day received, from my hands, the honors which Her Gracious Majesty THE QUEEN OF ENGLAND AND INDIA has conferred on him. But I have the pleasure of heartily congratulating you all on this auspicious occasion.

"The Order of the Star of India has been created mainly with the view of recognizing the services of the Princes, and Nobles, and Rulers, and Administrators of India, of all creeds and classes, and thus uniting them together in one common interest. The Order is presided over by HER MAJESTY THE QUEEN herself, and has for one of its Knights the PRINCE OF WALES, the HEIR APPARENT to England's Throne. It can already reckon also in its ranks the foremost Chiefs of India, and some of the most distinguished Englishmen now alive, who have served in this country; and its honors may be an object of honorable ambition to those who have not yet attained the distinction.

"To me it is an especial satisfaction that I find enrolled in the Order some of my oldest and best friends, both Native and English."

When the GRAND MASTER had concluded these words, HIS EXCELLENCY descended from the Throne, and, under a Royal Salute, left the Durbar Tent.

The newly invested GRAND COMMANDERS and KNIGHTS received the congratulations of the HIGH OFFICERS of Government around the Throne; and the native PRINCES AND CHIEFS were conducted to their respective carriages by the FOREIGN SECRETARY.

Whereupon the Assembly broke up.

By Order of the GRAND MASTER,

W. MUIR,

Secretary to the Most Exalted Order of the Star of India.

HOME DEPARTMENT.

NOTIFICATIONS.

Fort William, the 19th November 1866.

No. 535.

Yacoob Ali, Tehsildar of Lucknadown, in the Seonee District of the Central Provinces, is invested with the powers of a Subordinate Magistrate of the 1st Class, described in Chapter II, Section 22 of Act XXV of 1861.

No. 537.

Goor Pershad, while officiating as Extra Assistant Commissioner, Raepore, in the Central Provinces, is invested with the powers of a Subordinate Magistrate of the 2nd Class, described in Chapter II, Section 22 of Act XXV of 1861.

The 20th November 1866.

No. 555.

Bulwunt Rao, while officiating as Tehsildar of Saugor, in the Central Provinces, is invested with the powers of a Subordinate Magistrate of the 2nd Class, described in Chapter II, Section 22 of Act XXV of 1861.

No. 557.

Ajoodhiapershad, Tehsildar of Sohagpore, in the Hoshungabad District of the Central Provinces, is invested with the powers of a Subordinate Magistrate of the 1st Class, described in Chapter II, Section 22 of Act XXV of 1861.

No. 580.

J. Coryton, Esquire, Barrister-at-law, assumed charge of the Offices of Recorder and Judge of the Small Cause Court at Moulmein on the forenoon of the 9th ultimo.

No. 582.

Mr. C. Chapman, while officiating as Assistant Commissioner in Oudh, is invested with the powers of a Subordinate Magistrate of the 2nd Class, described in Section 22 of Act XXV of 1861.

No. 584.

Sudasheo Moheeput, while officiating as Tehsildar of Wurora, in the Chandah District, in the Central Provinces, is invested with the powers of a Subordinate Magistrate of the 2nd Class, described in Chapter II, Section 22 of Act XXV of 1861.

No. 586.

Ahfad Hossein, Extra Assistant Commissioner, Saugor, in the Central Provinces, is invested with the powers of a Subordinate Magistrate of the 1st Class, described in Chapter II, Section 22 of Act XXV of 1861.

No. 588.

Lieutenant W. Hamilton, Assistant Commissioner of Seetapore, and Mr. A. R. Hutton, Extra Assistant Commissioner of the same District, are invested with the powers of a Subordinate Magistrate of the 1st Class, described in Section 22 of Act XXV of 1861.

No. 605.

Mr. C. S. Hogg, Administrator General, returned from privilege leave and resumed his duties on the 29th ultimo.

The 21st November 1866.

No. 613.

The following Officers in Oudh have passed the examination prescribed for Police Officers :—

Mr. J. Anderson, Assistant District Superintendent.

Lieutenant A. Murray, Assistant District Superintendent.

Mr. Fisher, Deputy Inspector.

Mr. D. Cargill, Assistant District Superintendent.

The 23rd November 1866.

No. 621.

The services of Lieutenant J. W. Taylor, Assistant Revenue Surveyor, in charge of the 2nd Division, Central Provinces, are placed at the disposal of the Military Department.

No. 624.

The Governor General in Council is pleased to re-attach to the Bengal Division of the Presidency of Fort William, Mr. H. Hankey, of the Civil Service, who returned from furlough on the 11th instant.

No. 627.

The Governor General in Council is pleased to permit Sir T. J. Metcalfe, *Bart.*, C. B., to resign the Civil Service from the 4th of May last.

No. 629.

Assistant Surgeon H. F. McGrath, Civil Assistant Surgeon of Bhundara, obtained leave on medical certificate with effect from the 13th August to 5th October 1866, both days inclusive, in modification of the privilege leave granted to him in Notifications Nos. 4464 and 4843, dated respectively the 12th and 24th September 1866.

No. 648.

The Governor General in Council is pleased to attach Mr. T. O. Wilkinson, of the Civil Service, reported qualified for the Public Service, to the North-Western Provinces, the Punjab, and Oude.

No. 651.

Mr. T. O. Wilkinson, a Junior Civil Servant, having obtained Certificate of High Proficiency in Hindi, has been presented with the authorized donation of Rs. 800.

No. 652.

Erratum.—In the last line of the Notice by the Ceylon Government, regarding the exhibition of a light on the Clock Tower in the centre of the Fort, re-published for general information in the *Gazette of India* of the 17th November 1866, page 1557, for "1 Miles" read "18 Miles."

No. 653.

Doctor J. Ellis, Superintendent of the Sultanpoor Divisional Jail, is invested with the powers of a Magistrate, to be exercised within the precincts of the Jail under his charge.

No. 655.

The appointments of Mr. James Forbes Bevan and Mr. Hilary Martin O'Kelly to be Assistant Superintendents of the 4th Grade, in the Telegraph Department, as notified in G. O. No. 4931, dated the 28th September 1866, will have effect from the 21st June 1866.

ARTHUR HOWELL,
Under Secretary,
For Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Camp Agra, the 14th November 1866.

POLITICAL.

No. 1140.

His Excellency the Governor General in Council is pleased to notify, for general information, that Political Agents, accredited to the several Native States in Rajpootana and Central India, are, within their respective charges, inferior in position to the Agents, Governor General, only. They hence take precedence of all Military Officers, except His Excellency the Commander-in-Chief of India, and the Commanders-in-Chief of the subordinate Presidencies.

W. MUIR,
Secy. to the Govt. of India.

The 15th November 1866.

No. 1146.

The following Treaty of Peace, Friendship, and Commerce, concluded between Her Majesty and the Queen of Madagascar, is published for general information :—

TREATY OF PEACE, FRIENDSHIP, AND COMMERCE BETWEEN HER MAJESTY AND THE QUEEN OF MADAGASCAR.

Signed, in the English and Malagasy Languages, at Antananarivo, June 27th, 1865.

[Ratifications exchanged at Antananarivo, July 5th, 1866.]

HER MAJESTY THE QUEEN of the United Kingdom of Great Britain and Ireland, and Her Majesty Rasoherina Manjaka, Queen of Madagascar, being desirous of concluding a Treaty of Peace and Friendship, and to regulate thereby the commercial intercourse between their respective subjects and dominions, the following Articles have for that purpose been mutually agreed upon and signed between Thomas Conolly Pakenham, Esquire, Her Britannic Majesty's Consul in Madagascar, duly authorized to that effect on the part of Her Britannic Majesty, and by his Excellency Rainimaharavo, Sixteenth Honor, Chief Secretary of State; Andriantsitohaina, Sixteenth Honor; Ravahatra, Chief Judge; and Rafaralahibemalo, Head of the Civilians, duly authorized to that effect on the part of Her Majesty the Queen of Madagascar :—

ARTICLE I.

Peace, friendship, and good understanding shall from henceforward and for ever subsist between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and Her Majesty the Queen of Madagascar, and between their respective heirs, successors, and subjects.

ARTICLE II.

The subjects of Her Britannic Majesty shall have full liberty to enter into, rent or lease houses or lands in, trade with, and pass with their merchandize through, all parts of the dominions of Her Majesty the Queen of Madagascar which are under the control of a Governor duly appointed by the Malagasy authorities, except Ambohimanga, Ambohimanambola, and Amparafavato; and they shall enjoy therein all the privileges and advantages with regard to commerce, or with regard to any other matter whatsoever, which are now or may hereafter be granted to or allowed to be enjoyed by the subjects or citizens of the most favored nation; and the subjects of Her Majesty the Queen of Madagascar shall, in like manner, be at liberty to enter into, rent or lease houses or land in, trade with, and pass with their merchandize through all parts of Her Britannic Majesty's dominions, as freely as the subjects of the most favored nation, and they shall enjoy, in those dominions, all the privileges and advantages with regard to commerce, or with regard to any other matter whatever, which are now or may hereafter be granted to or allowed to be enjoyed by the subjects or citizens of the most favored nation.

ARTICLE III.

British subjects in the dominions of Her Majesty the Queen of Madagascar shall be allowed freely to exercise and teach the Christian religion, and to erect and maintain suitable places of worship. Such places of worship, with their lands and appurtenances, shall however be recognized as the property of the Queen of Madagascar, who shall permit them to be applied for ever to the special purposes for which they shall have been built. They shall, in the profession, exercise, and teaching of their religion, receive the protection of the Queen and her Officers, and shall not be persecuted or interfered with.

Her Majesty the Queen of Madagascar, from her friendship for Her Britannic Majesty, promises to grant full religious liberty to all her subjects, and not to persecute or molest any subjects or natives of Madagascar on account of their embracing or exercising the Christian religion. But should any of her subjects prof ssing Christianity be found guilty of any criminal offence, the action of the law of the land shall not be interfered with.

ARTICLE IV.

The Queen of Madagascar engages to receive a British Agent at her capital; and Her Britannic Majesty, in like manner, engages to receive at the Mauritius, or at London, an Agent of the Queen of Madagascar.

Each Contracting Party may appoint Consuls for the protection of trade to reside in the dominions of the other.

Such Agents and Consuls shall enjoy, in the respective dominions, the same rights and privileges which are or may be there granted to Agents of the same rank of the most favored nation.

ARTICLE V.

British subjects shall be permitted, as fully as the subjects or citizens of the most favored nation, in any lawful manner to purchase, rent, or lease land, houses, warehouses, and all other kinds of property within all parts of the dominions of Her Majesty the Queen of Madagascar which are under the control of a Governor duly appointed by the Malagasy authorities. They shall be at liberty to build on land purchased, rented, or leased by them, houses of any material they please, except of stone or clay at the capital of Madagascar, and other towns where such buildings are forbidden by the laws of the country; and Her Majesty the Queen of Madagascar engages that British subjects shall, as far as lies in her power, equally with her own subjects, enjoy within her dominions, full and complete protection and security for themselves and for any property which they may so acquire in future, or which they may have acquired already before the date of the present Treaty.

British subjects may freely engage in their service, in any capacity whatever, any native of Madagascar not a slave or a soldier, who may be free from any previous engagement. Leases, contracts of sale or purchase of houses or lands in Madagascar, and engagements of laborers, may be executed by deeds signed before the British Consul and the local authorities. All such engagements, however, are liable to be determined by mutual consent, should the services of persons so engaged be required by the Queen, or on their own application, after due notice.

No domiciliary visits shall be made to the establishments, houses, or properties possessed or occupied by British subjects unless by the consent of the occupants, or in concert with the British Consul.

In the absence, however, of any Consular Officer, the local authorities may enter, after giving due notice to the occupants, whenever it is certainly known that stolen property or persons escaping from justice are concealed on the premises.

No British subjects residing in Madagascar shall have the right of entering the house of any subject of the Queen of Madagascar against the will of the occupant.

ARTICLE VI.

Munitions of war shall be imported by the Queen of Madagascar alone into her dominions; but save the said munitions of war, no article whatever shall be prohibited from being imported into the territories of Her Majesty the Queen of Madagascar; nor shall any article whatever be prohibited from being exported therefrom, except munitions of war, and the following articles which are forbidden by the law of Madagascar to be exported, namely, timber and cows.

The trade between the dominions of Her Britannic Majesty and the dominions of Her Majesty the Queen of Madagascar shall be perfectly free, subject to a duty not exceeding ten per cent.

A Tariff of such duties shall be drawn up by the British Consul and by a person or persons commissioned by Her Majesty the Queen of Madagascar, and shall be submitted for the approval of Her Britannic Majesty.

Such Tariff shall be drawn up and published within one year after the exchange of the ratifications of the present Treaty.

In case any article of produce or merchandize should be inadvertently omitted from such Tariff, the duty levied on such article shall be calculated at the market value of the merchandize at the period at which the Tariff was framed.

No prohibition shall apply to any article imported or exported by British subjects or vessels, unless the prohibition apply equally to the subjects and vessels of every other foreign nation.

ARTICLE VII.

Her Majesty the Queen of Madagascar agrees that no duty exceeding ten per cent. shall be levied on the exportation from Her Majesty's dominions of any article, the growth, produce, or manufacture of those dominions.

ARTICLE VIII.

No duties of tonnage, harbour, pilotage, lighthouse, quarantine, or other local dues, shall be imposed in the ports of the dominions of either country upon the vessels of the other country, from whetever place arriving, or whatever may be their place of destination, which shall not equally be imposed in the like cases on national vessels, or on vessels of the most favored nation.

ARTICLE IX.

Her Majesty the Queen of Madagascar engages to permit the ships of war of Her Britannic Majesty freely to enter into the military ports, rivers, and creeks situated within her dominions, and to allow such ships to provide themselves, at a fair and moderate price, with such supplies, stores, and provisions as they may from time to time stand in need of.

No subject of the Queen of Madagascar shall be permitted to embark on board any British ship, except such as shall have received a passport from the Malagash authorities.

The rights of Sovereignty shall in all cases be respected in the dominions of the one Sovereign by the subjects of the other.

ARTICLE X.

If any vessels under the British flag should be wrecked on the coast of the dominions of the Queen of Madagascar, which are under the control of a Governor duly appointed by the Malagasy authorities, Her Majesty engages to give them all the assistance in her power, and to secure them from plunder, as well as to recover for and to deliver over to the owners thereof all the property which can be saved from such vessels. Her Majesty further engages to do all in her power to extend to the officers and crew, and to all other per-

sons on board such wrecked vessels, full protection both as to their persons and as to their property.

ARTICLE XI.

Her Majesty the Queen of Madagascar agrees that in all cases where a British subject shall be accused of any crime committed in any part of her dominions, the person so accused shall be exclusively tried and adjudged by the British Consul or other officer duly appointed for that purpose by Her Britannic Majesty. But any British subject whom the British Consul or other officer shall find to have been guilty of having openly offended against the laws of Madagascar shall be liable to be banished from the country.

In all cases where disputes or differences shall arise within the dominions of the Queen of Madagascar between British subjects and the subjects of Her Majesty the Queen of Madagascar, Her Britannic Majesty's Consul or other duly appointed officer, aided by an officer duly authorized by Her Majesty the Queen of Madagascar, shall have power to hear and decide the same.

The Malagasy authorities shall not interfere in differences or disputes between British subjects, or between British subjects and the subjects or citizens of any third Power.

The British authorities shall not interfere in differences or disputes between Malagasy subjects and the subjects or citizens of any third Power in Madagascar.

ARTICLE XII.

If a subject of the Queen of Madagascar should refuse or evade the payment of a debt due to a British subject, the local authorities shall afford every assistance and facility to the creditor for recovering the debt; and in like manner, the British Consul shall afford every assistance to subjects of the Queen of Madagascar to recover debts due to them by British subjects.

ARTICLE XIII.

The local authorities of Madagascar shall have no right to interfere with British vessels of commerce, which are subject only to the British authority and to their Captains; but no British vessel shall communicate with the shore before receiving pratique from the local authorities. In the absence, however, of a British ship of war, the Malagasy authorities, if requested by the British Consul or Consular Agent, shall afford assistance in order to cause his authority to be respected by his own countrymen, and to re-establish and maintain discipline among the crews of British merchant-vessels.

If any British seamen should desert from their ships, the local authorities shall use every effort to apprehend them, and shall deliver them up to the British Consul or to the Captain of their ship.

ARTICLE XIV.

The Malagasy authorities shall do all in their power to deliver up property of a British subject who may die in Madagascar to his heirs or representatives, or, in their absence, to the British Consul.

The property of a subject of the Queen of Madagascar who may die in the British dominions shall be treated in the same manner as the property of a British subject.

ARTICLE XV.

If any British merchant-vessel should be attacked or plundered in the waters of Madagascar, adjacent to any military station whatever, the local authorities, as soon as informed of the fact, shall institute active pursuit after the offenders, and shall omit no effort to discover and punish them.

The goods which may have been carried off, wherever and in whatever state they may be found, shall be delivered to the owner, or to the Consul, who will undertake to restore them.

The same course shall be followed in the case of plunder or robbery committed on the property of British subjects residing in the neighbourhood of any military station, whether on the shores or in the interior of Madagascar.

The local authorities, on proving that they have used every effort to apprehend the offenders and to recover the goods stolen, shall not be pecuniarily responsible for the loss.

The same protection shall be granted in favor of the property of subjects of the Queen of Madagascar plundered or robbed on the coasts or in the interior of the British dominions.

ARTICLE XVI.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and Her Majesty the Queen of Madagascar hereby engage to use every means in their power for the suppression of piracy within the seas, straits, and rivers subject to their respective control or influence; and Her Majesty the Queen of Madagascar engages not to grant either asylum or protection to any persons or vessels engaged in piratical pursuits; and in no case will she permit ships, slaves, or merchandize captured by pirates to be introduced into her dominions, or to be exposed therein for sale. And Her Majesty the Queen of Madagascar concedes to Her Britannic Majesty the right of investing her officers and other duly constituted authorities with the power of entering at all times, with her vessels of war, or other vessels duly empowered, the ports, rivers, and creeks within the dominions of Her Majesty the Queen of Madagascar, in order to capture all vessels engaged in piracy, and to seize and to reserve for the judgment of the proper authorities all persons offending against the two Contracting Powers in this respect.

ARTICLE XVII.

Her Britannic Majesty and Her Majesty the Queen of Madagascar being greatly desirous of effecting the total abolition of the Trade in Slaves, Her Majesty the Queen of Madagascar engages to do all in her power to prevent all such Traffic on the part of her subjects, and to prohibit all persons residing within her dominions, or subject to her, from countenancing or taking any share in such trade. No persons from beyond sea shall be landed, purchased, or sold as slaves in any part of Madagascar. And Her Majesty the Queen of Madagascar consents that British cruizers shall have the right of searching any Malagash or Arab vessels suspected of being engaged in the Slave Trade, whether under sail or at anchor in the waters of Madagascar. Her Majesty the Queen of Madagascar further consents that if any such vessels shall prove to be engaged in the Slave Trade, such vessels and their crews shall be dealt with by the cruizers of Her Britannic Majesty as if such

persons and their vessels had been engaged in a piratical undertaking.

ARTICLE XVIII.

Her Majesty the Queen of Madagascar engages to abolish trial by the ordeal of poison.

If there should be war between Great Britain and Madagascar (which God forbid), any prisoners who may be taken by either party shall be kindly treated, and shall be set free, either by exchange during the war, or without exchange when peace is made; and such prisoners shall not on any account be made slaves or put to death.

ARTICLE XIX.

The present Treaty shall be ratified by Her Britannic Majesty and by Her Majesty the Queen of Madagascar, and the ratifications shall be exchanged at London or Antananarivo, within the space of six months from this date.

But if, at any future time, it shall seem desirable, in the interests of the subjects of either of the two Contracting Parties, to alter or to add to the present Treaty, such alterations or additions shall be effected with the consent of both parties.

Signed and sealed in duplicate originals, with a Malagasy translation to each, at Antananarivo, this twenty-seventh day of June, in the year 1865.

(L.S.) T. C. PAKENHAM,
H. M.'s Consul for Madagascar.

RAINIMAHARAVO,
Chief Secy. of State,
16 *Vtra.*

ANDRIANTSITOHAINA,
16 *Vtra.*

RAVAHATRA,
Lehibeny Andby.

RAFARALAHIBEMALO,
Lehotona lehibe.

Seal of the Queen of Madagascar.

The 14*th November* 1866.

GENERAL.

No. 1719.

Leave.—The Hon'ble W. Muir, Secretary to the Government of India, in the Foreign Department, has been granted privilege leave of absence for three months, from the 29th instant.

Mr. J. W. S. Wyllie, Under Secretary to the Government of India, in the Foreign Department, will act as Secretary during Mr. Muir's absence.

J. T. WHEELER,
For Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

NOTIFICATIONS.

Camp Agra, the 19*th November* 1866.

No. 11.

Whereas it is deemed expedient to provide funds for the execution of works of Public Improvement undertaken by the Government of Bombay, with the sanction of the Government of India, His Excellency the Right Hon'ble the Governor General in Council has resolved to issue Debentures bearing interest at the rate of five per cent. per annum, for the above purpose, to the extent of Sixty Lakhs of Rupees, repayable at par in the following proportions, viz. :—

10 Lakhs after one year from 3rd January 1867.
20 Lakhs after one year from 3rd January 1868.
30 Lakhs after one year from 4th January 1869.

Notice is accordingly hereby given that tenders will be received at the General Treasury, Bank of Bengal, from this date to the (20) twentieth day of December next inclusive, for the whole or part or parts of the following Securities, viz. :—

(10) Ten Lakhs of Debentures bearing interest at the rate of five per cent. per annum, payable half-yearly, and the Debentures to be liquidated and paid off at par on the third day of January 1868.

(20) Twenty Lakhs of Debentures bearing interest at the rate of five per cent. per annum, payable half-yearly, and the Debentures to be liquidated and paid off at par on the fourth day of January 1869.

(30) Thirty Lakhs of Debentures bearing interest at the rate of five per cent. per annum, payable half-yearly, and the Debentures to be liquidated and paid off at par on the third day of January 1870.

Total Lakhs 60

The Debentures will be payable to Order and bear interest from 3rd January 1867, on which day the interest will commence to run, and will be paid half-yearly on the 3rd day of July and the 3rd day of January up to the date on which the Debentures fall to be paid off at par at the General Treasuries in Calcutta, Madras, and Bombay, in the proportions allotted to the several Presidencies under accepted tenders.

At the option of holders, the Debentures may be paid with accrued interest to date of payment to any Government Treasury in India, in satisfaction of Public Revenue, Dues, or Taxes in the last three months of every year commencing from the date on which such Debentures or Debenture shall have currency.

Tenders must be made in separate Sealed Letters addressed to the Financial Secretary, Treasury Buildings, Calcutta, and be marked on the outside thus—

Tender for Debentures repayable one year after date.

Tender for Debentures repayable two years after date.

Tender for Debentures repayable three years after date.

Tenders received will be opened by the Financial Secretary on the twentieth day of December next.

Payment in full of accepted tenders must be made by the allottees on the 3rd January 1867 at the General Treasuries in Calcutta, Madras, or Bombay.

Scrip Receipts will be issued by the several Banks when payment is made by the allottees. These Receipts will be exchanged for Debentures as soon as possible after the payments are completed.

Debentures according to the annexed Form will be issued in sums of Rs. 1,000 to Rs. 10,000 in equal thousands, and bear date 3rd January 1867.

A right of preference will be given to the highest Tenders in price. If two or more Tenders shall be at the same rates, they will be subject to a *pro rata* diminution in amount.

A list of the accepted tenders will be posted at the General Treasuries at the Banks of Bengal, Bombay, and Madras on an early day subsequent to 20th December next.

E. H. LUSHINGTON,
Secy. to the Govt. of India.

FORM OF DEBENTURE.

GOVERNMENT OF INDIA DEBENTURE.

Rs. 1,000.

This Debenture entitles or order to claim payment of One Thousand Rupees at Her Majesty's General Treasury within the Bank of Bengal* at the expiration of one† year from the date hereof.

* (Or Bombay or Madras).
† (Two years or three years).

Interest on this Debenture will be paid half-yearly at the General Treasury of Calcutta, Bombay, or Madras at the rate of five per centum per annum.

This Debenture may be paid for the sum of One Thousand Rupees and interest accrued thereon, to any Government Treasury in India, in satisfaction of public revenues, dues, or taxes, at any time in the last three months of every year commencing from the day on which it shall have currency, viz., 3rd January 1867.

(Signed) A. B.,
Secy. to the Govt. of India.

CALCUTTA,
The 3rd January 1867.

Fort William, 23rd November 1866.

No. 1951.

Mr. F. Greenway received charge from Mr. W. Greenway of the Office of Assistant Commissioner of the Department of Issue of Government Paper Currency, Calcutta, on the forenoon of the 14th instant.

J. E. COOKE,
Assistant Secretary,
For Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Fort William, the 20th November 1866.

ESTABLISHMENT.

No. 295.

The under-mentioned Overseers, 1st Grade, on probation, in the Central Provinces, are appointed permanently to the Public Works Department in that grade, with effect from the dates specified:—

Corporal W. Cousins ...	From 1st Sept. 1866
Bombardier C. Wickens	„ 1st „ 1866
Corporal J. Cockburn ...	„ 1st Dec. 1866
Sergeant W. Ross ...	„ 1st Oct. 1866
Private J. Johnson ...	„ 1st Sept. 1866
Sergeant J. Kennedy ...	„ 1st „ 1865
Gunner C. Munro ...	„ 1st „ 1865
Corporal G. Treadaway	„ 1st Dec. 1866

The 21st November 1866.

No. 296.

Conductor W. Phillips, Supervisor, 1st Grade, attached to the Public Works Department, in the Central Provinces, is reduced to the rank of Supervisor, 2nd Grade, from this date.

No. 297.

Captain H. Z. Darrah, Executive Engineer, 3rd Grade, is transferred from British Burmah to the North-Western Provinces.

No. 298.

Mr. J. W. Fordham, Accountant, 2nd Grade, Rajpootana, is promoted to the 1st Grade, with effect from the 1st October 1866.

The 23rd November 1866.

No. 299.

Captain J. O. Mayne, R. E., Superintending Engineer, 1st Class, 2nd Grade, made over charge of the Office of Superintending Engineer and Secretary to Government, Public Works Department, Straits Settlements, on the afternoon of the 5th October 1866, to Mr. J. Bennett, Executive Engineer, who retains charge of the Singapore Division of Public Works.

No. 300.

Mr. W. A. Billings, Deputy Controller of Public Works Accounts, and at present attached to the Punjab Office of Account, is posted to Bengal.

No. 301.

Mr. E. Morton is appointed to officiate as Deputy Controller of Public Works Accounts, Punjab, during the absence on leave of Lieutenant E. A. Trevor, Deputy Controller, or until further orders.

WILLIAM MCCLEERY, C. E.,
Offg. Asst. Secretary,
For Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Camp Agra, the 13th November 1866.

No. 944 *of* 1866.—Honorary Captain Isaac James Corcoran, Deputy Commissary of Ordnance, Fort William, is allowed leave of absence for six months, from 1st December 1866 to 31st May 1867, to visit the North-Western Provinces on private affairs.

The 17th November 1866.

No. 945 *of* 1866.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs:—

Major Thomas Taylor, of the Bengal Staff Corps, 2nd in Command and Wing Officer, 13th (The Shekhawattee) Regiment Native Infantry.	For two years.

No. 946 *of* 1866.—*Addendum.*—In continuation of Government General Order No. 583, dated 12th June 1865, the following article is sanctioned as an addition to the Steward's reserve stock in hospitals of British Troops:—

Essence of Beef in ¼lb Tins, to the extent of 4 lbs. per 100 sick in hospital; the expenditure from this reserve being made good by Indent on the Commissariat in the usual manner.

No. 947 *of* 1866.—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate:—

Captain (Brevet Major) Charles Baily, of the late 17th Regiment Native Infantry.	For 20 months, under the old Regulations.
Lieutenant Harry Style Ruxton, of the late 56th Regiment Native Infantry.	For 20 months, under the new Regulations.

No. 948 *of* 1866.—The services of Assistant Surgeon A. D. Campbell, M. D., are placed temporarily at the disposal of the Foreign Department.

No. 949 *of* 1866.—The under-mentioned Officer is admitted to the Bengal Staff Corps, with effect from the date specified, subject to the confirmation of the Right Hon'ble the Secretary of State for India:—

Lieutenant George Nicolas Channer, of Her Majesty's 95th Foot, 2nd Wing Subaltern, 2nd Regiment Native Light Infantry.	7th August 1866.

No. 950 *of* 1866.—The services of Assistant Surgeon George King, M. B., of the Medical Department, are placed temporarily at the disposal of the Government of the North-Western Provinces.

No. 951 *of* 1866.—In modification of Government General Order No. 1136 of 1865, His Excellency the Governor General in Council is pleased to sanction an addition of 75 lbs. of Lime-juice and 75 lbs. of Sugar per 100 men to the scale therein provided.

The revised scale of Medical Comforts for the use of Troops proceeding to England is as follows:—

Scale of Medical Comforts for 100 *Invalids from India to England.*

Port Wine.	White Wine.	Brandy.	Beer.	Lime-juice.	Tea.	Sugar.	Sago.	Arrow-root.	Barley.	Oatmeal.	Preserved Meat.	Preserved Soup.	Essence of Beef.	Preserved Potatoes.	Mixed Vegetables.	Pepper.	Mustard.	Vinegar.	Soap.	Rice.	Salt.	Coffee.	Preserved Milk.	Chloride of Zinc.
Botls.	Botls.	Botls.	Pints.	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	¼Pints	lbs.	lbs.	lbs.	lbs.	Botls.	lbs.	lbs.	lbs.	lbs.	Pints.	lbs.
90	108	12	12 Doz. only for use in very exceptional cases.	75	36	255	54	36	120	30	100	100	400	54	54	6	12	12	52	50	25	12	100	30

N. B.—Lime-juice and Sugar will also be issued daily to both Invalids and Troops in health on the following scale:—

For the first 20 days of the voyage, ½ oz. of each per adult.
For the remainder of the voyage, 1 ditto ditto.

No. 952 *of* 1866.—The under-mentioned Non-Commissioned Officers of the European Invalid Battalion are admitted to pensions, as specified opposite to their names :—

Sergeant Edmund Kearney, of the Artillery Company.	(2*s.*) two shillings per diem, payable in Europe.
Sergeant William Searle, of the Infantry Company.	Rs. 30 per mensem, payable in India.

No. 953 *of* 1866.—The following paragraphs of a Military letter from the Right Hon'ble the Secretary of State for India, No. 182, dated 27th September 1866, are published for general information :—

1. The under-mentioned Officers and Warrant Officer have been permitted to return to their duty, viz. :—

Lieutenant Colonel R. Maclagan.
" R. N. Raikes.
" G. Jackson.
" B. P. Lloyd.
" R. Renny, C. B.
Major E. Oakes.
" G. Swiney.
" T. H. Chamberlain.
" W. Reveley.
" M. J. Brander.
" G. N. Cave.
" J. C. Wood.
" J. S. Rawlins.
Captain H. DeBrett.
" R. C. Low.
" W. W. Boddam.
" F. Wheeler.
" J. Upperton.
" C. E. Stewart.
" C. P. Hunter.
" The Hon'ble W. M. Fraser.
Lieutenant J. R. Marett, by the "Shannon."
" F. J. Alexander, "
" C. J. Griffiths, by the Cape.
" H. J. Wheler, "
" A. Fitzhugh.
" F. H. Goold.
" C. J. Walter.
" F. H. Hood.
Surgeon R. H. Perkins.
" E. C. Thorp.
" J. Picthall, M. D.
Assistant Surgeon J. Jones.
" A. D. Campbell, M. D.
" T. E. Charles, M. D.
Veterinary Surgeon H. C. Hulse.
" J. W. Garrad.
Conductor J. Wilks.

2. The under-mentioned Officers and Warrant Officer have been granted extensions of leave for the periods, specified, viz :—

Colonel H. W. Norman, C. B.,	4	months, S. C.
" Sir H. B. Edwardes, K. C. B.,	6	" "
Lieut. Col. P. H. K. Dewaal,	6	" "
Major C. D. Newmarch ...	6	" "
" H. Lane ...	6	" "
Captain G. C. Lloyd ...	2	months, S.C.
" H. Macdonald ...	6	" P. A.
" B. Rogers ...	3	" S. C.
Brevet Capt. J. Stevenson ...	6	" "
" D. G. Manning, ...	6	" P. A.
Lieut. H. C. Collier ...	6	" S. C.
" R. Milne ...	6	" "
" H. E. Eliot ...	6	" "
" H. Rowband ...	2	" "
" G. F. M. Phillips ...	6	" "
" C. F. Thomas ...	6	" "
" R. H. Inglis ...	6	" P. A.
" W. Hopkinson ...	6	" S. C.
" W. B. Craigie ...	4	" "
Surgeon Major J. B. Harrison ...	6	" "
Surgeon G. E. Givins ...	3	" "
Assistant Surgeon A. K. Reed, ...	2	" "
Depy. Asst. Comsy. J. Lynch ...	6	" "
Conductor J. H. Senior ...	6	" "

3. The under-mentioned Officers have been permitted to retire from the service from the dates specified, viz :—

Colonel J. C. Scott, Bengal Staff Corps, from the 1st September 1866.

Lieutenant Colonel G. N. Oakes, Bengal Staff Corps, from the 24th December 1865.

Principal Inspector General of Hospitals H. A. Bruce, from the 1st September 1866.

Surgeon Major W. F. Mactier, M. D., from the 24th September 1866.

Assistant Surgeon D. B. Daly, M. D., from the 27th September 1866.

6. Assistant Surgeon W. F. Clarke resigned the service on the 13th December 1864.

7. Brevet Lieutenant Colonel W. Graydon has retired from the service, with effect from the 17th September 1863.

8. Brigadier General A. T. Wilde, C. B., Commanding the Punjab Frontier Force, has been allowed to return to his duty.

No. 954 *of* 1866.—The services of Surgeon J. Elliot, M. D., Officiating Garrison Surgeon, Agra, are placed temporarily at the disposal of the Foreign Department.

No. 955 *of* 1866.—Captain F. V. Eyre, 3rd Class Commissary of Ordnance, having returned from sick leave to Europe, is appointed to officiate as 2nd Class Commissary, with effect from the 8th November 1866; the Junior Officer Lieutenant G. Lamb, acting* in that grade, reverting to his proper place in the Ordnance Department.

By G. G. O No. 844 of 1866.

No. 956 *of* 1866.—Her Majesty has been pleased to appoint the under-mentioned gentleman to be an Assistant Surgeon in Her Majesty's Indian Military Forces at the Presidency of Bengal :—

He is accordingly admitted into the Service.

MEDICAL DEPARTMENT.

Date of arrival at Fort William.

Mr. Edward Alfred Birch, 10th November 1866.

The 19th November 1866.

No. 957 *of* 1866.—The services of Lieutenant Colonel A. Turner, Bengal Staff Corps, are placed temporarily at the disposal of the Government, North-Western Provinces.

The 20th November 1866.

No. 958 *of* 1866.—The under-mentioned Officers have reported their return from England :—

	Date of arrival at Bombay.
Major J. C. Wood, of the Bengal Staff Corps.	26th October 1866.
Captain T. G. Montgomerie, of the Royal Engineers, Astronomical Assistant, Great Trigonometrical Survey. Lieutenant (Brevet Captain) W. Battye, of the late 65th Regiment Native Infantry, Adjutant, Meywar Bheel Corps.	9th November 1866.
Major G. N. Cave, of the Bengal Staff Corps, Commandant, 24th (Punjab) Regiment Native Infantry. Major J. S. Rawlins, of the Bengal Staff Corps, 2nd in Command and Wing Officer, 1st Goorkha Regiment. Major J. B. Smyly, of the Bengal Staff Corps, 1st Class Assistant Commissioner, Punjab. Captain *The Hon'ble* W. M. Fraser, of the Bengal Staff Corps, District Superintendent of Police, 2nd Grade, North-Western Provinces. Captain C. P. Hunter, of the Bengal Staff Corps. Captain F. Wheeler, of the Bengal Staff Corps. Lieutenant W. E. Forbes, of the Bengal Staff Corps. Surgeon R. H. Perkins, of the Medical Department. Surgeon J. Pichall, M. D., of the Medical Department. Surgeon A. P Tomkyns, of the Medical Department, Superintendent, Central Prison, Bareilly. 1st Class Veterinary Surgeon A. Turnbull, of the Veterinary Department.	13th November 1866.

No. 959 *of* 1866.—The following promotions are made in the under-mentioned Corps of the Native Army :—

Corps.	Rank and Names.	To what rank promoted.	From what date	In whose room.
10th Regiment Native Infantry.	Jemadar Dulthumun Sing.	Subadar	1st May 1866	Shaik Ultoo, invalided.
	Havildar Bonomally Misser.	Jemadar	Ditto	Dulthumun Sing, promoted.

No. 960 *of* 1866.—The under-mentioned Native Non-Commissioned Officer and Sepoy, of the 20th Punjab Native Infantry Regiment, declared unfit for further service on account of wounds received in action, are granted the pensions noted opposite to their respective names :—

Rank.	Names.	Nature and degree of pension.	Amount, monthly.	Circle of payment.
			Rs. A. P.	
Havildar	Rodah Sing ..	Wound Pension, 3rd degree	7 0 0	Meerut.
Sepoy .	Mahomed Bux ...	Wound Pension, 4th degree .	3 4 0	

No. 961 *of* 1866.—The under-mentioned Officers have reported their departure on the date specified :—

Lieutenant R. P. Davis, of the late 16th Regiment Native Infantry, G. G. O. No. 931 of 1866. Lieutenant A. G. Oldham, of the late 9th Regiment Native Infantry, G. G. O. No. 931 of 1866.	"Nubia," 10th Nov. 1866.

No. 962 *of* 1866.—With reference to Government General Order No. 309 of the 5th April 1864, it is hereby notified that the Commissioners of Chelsea Hospital have authorized the continuance of the Temporary Pension awarded to Sergeant Robert Potts, an Out-pensioner of the Royal Hospital at Chelsea, late of Her Majesty's 107th Foot, for a further period of two years (final), from the date of expiration of the last grant.

No. 963 *of* 1866.—The under-mentioned Out-pensioner having been permitted to reside and draw his stipend in the Bengal Presidency, payment of pension is to be made and charged accordingly :—

	Rate of pension.
Corporal Edward Morgan, an Out-pensioner of the Royal Hospital at Chelsea, from the 88th Foot.	1*s.* 2*d.* per diem, paid up to the 31st December 1866.

No. 964 *of* 1866.—The following order issued by the Government of Bombay is confirmed :—

No. 596 *of the 25th October* 1866.—Granting leave of absence to Europe on medical certificate to Captain R. K. Macquoid, Madras Staff Corps, 2nd in Command, 5th Infantry Hyderabad Contingent, for 20 months.

No. 965 *of* 1866.—The under-mentioned Non-Commissioned Officer of Her Majesty's Service is permitted to reside and draw his pay in India, as an Out-pensioner of Chelsea Hospital, in accordance with the Royal Warrant of the 23rd July 1861, pending a reference to the Home Authorities as to the amount of his pension :—

105th Foot.

Quarter Master Sergeant Michael Quinlan.

No. 966 *of* 1866.—The following promotions are made :—

Army Commissariat Department.

Lieutenant G. L. Keir, Sub-Assistant Commissary General, 2nd Class, to be Sub-Assistant Commissary General, 1st Class. Lieutenant W. G. Smith, Officiating Sub-Assistant Commissary General, to be Sub-Assistant Commissary General, 2nd Class.	From 14th November 1866, vice Major T. W. Holland, Sub-Assistant Commissary General, 1st Class, resigned.

No. 967 *of* 1866.—Second Class Sub-Assistant Surgeon Denonath Doss, attached to the Station of Chittagong, having been pronounced qualified for advancement, is, under the rules passed by Government in the Home Department, dated 6th January 1849, promoted to the 1st Class, with effect from the 8th June 1866.

No. 968 *of* 1866.—The under-mentioned Out-pensioners of the Royal Hospital at Chelsea having been permitted to reside and draw their stipends in India, payment of pension is to be made and charged accordingly :—

	Rate of Pension per diem.
Sergeant William Brown, late of the 19th Brigade Royal Artillery.	2 shillings, from the date on which he ceases to receive Regimental Pay or Allowance.
Sergeant Joseph Elston, late of the 7th Dragoon Guards.	1 shilling 9 pence, from the date on which he ceases to receive Regimental Pay or Allowance.
Corporal George Robinson, late of the 80th Foot.	1 shilling 6 pence, from the date on which he ceases to receive Regimental Pay or Allowance.
Gunner Daniel Kennelly, late of the Horse Artillery.	1 shilling, from the date on which he ceases to receive Regimental Pay or Allowance.
Gunner Henry Lee, late of the 19th Brigade Royal Artillery.	1 shilling, from the date on which he ceases to receive Regimental Pay or Allowance.
Gunner James Tyndall, late of the 22nd Brigade Royal Artillery.	1 shilling, from the date on which he ceases to receive Regimental Pay or Allowance.
Private Michael Healy, late of the 107th Foot.	1 shilling, from the date on which he ceases to receive Regimental Pay or Allowance.

No. 969 *of* 1866.—*Erratum.*—In Government General Order No. 877 of the 18th October 1866, admitting Captain T. H. Lewin to the Bengal Staff Corps, for "25th February 1866," the date of his admission, read 28*th February* 1866.

Order books to be corrected accordingly.

No. 970 *of* 1866.—*Erratum.*—In Government General Order No. 878 of the 19th October 1866, notifying promotions in the 4th Goorkha Regiment, in the column headed "In whose room," for "Jugbeer Singh" read Jugbeer *Khuttrie.*

Order books to be corrected accordingly.

No. 971 *of* 1866.—Surgeon J. Pichthall, M. D., is allowed an extension of leave from the 11th to the 18th November 1866, the date on which he reported his return to Bengal from sick leave to Europe.

No. 972 *of* 1866.—The under-mentioned Officers, having reported their return from sick leave, are appointed to officiate in the higher grades specified, the Junior Officers acting in these grades reverting to their proper places :—

Army Commissariat Department.

Major M. J. Brander, Deputy Assistant Commissary General, 1st Class, to officiate as Assistant Commissary General, 2nd Class, from the 30th October 1866.

Major W. Briggs, Sub-Assistant Commissary General, 1st Class, to officiate as Deputy Assistant Commissary General, 2nd Class, from the 30th October 1866.

No. 973 *of* 1866.—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate :—

Major George Hunter Thompson, of the Bengal Staff Corps, Revenue Surveyor, 6th Division, Lower Provinces. Captain William Phaire, of the Bengal Staff Corps, Assistant Commissioner, 2nd Class, Oude.	For 20 months.
Lieutenant Archibald Buchan Hepburn, of the late 32nd Regiment Native Infantry, 1st Wing Subaltern, Officiating Adjutant, 26th (Punjab) Regiment Native Infantry.	For 20 months, under the new Regulations.

No. 974 *of* 1866.—The following promotions are made in the under-mentioned Corps of the Native Army :—

Corps	Rank and Names	To what rank promoted	From what date.	In whose room.
	Havildars.			
3rd Regiment of Native Infantry	Sheck Golam Ally	Jemadar ...	22nd June 1866 ..	Goolzar Singh, transferred to the 43rd Regiment Native Infantry.
12th (The Kelat-i-Ghilzie) Regiment of Native Infantry.	Bussarutt Khan	Ditto ...	1st ditto ...	Khoda Buksh, invalided.

No. 975 *of* 1866.—The admission to the Staff Corps of Lieutenant W. H. Unwin, late 56th Native Infantry, published in Government General Order No. 942 of the 12th November 1866, is cancelled; that Officer having previously been appointed to the 106th Foot.

No. 976 *of* 1866.—The following promotions are made, from the dates specified, under the operation of G. G. O. No. 632 of the 4th August 1861, para. 69, subject to Her Majesty's approval :—

BREVET.

To be Colonels.

Lieut. Colonel John Hennessy, Bengal Infantry. Lieut. Colonel George Burd Reddie, Bengal Infantry. Lieut. Colonel James Knox Spence, Bengal Staff Corps. Lieut. Colonel John Barrett, Bengal Infantry. Lieut. Colonel William Richardson, C. B., Bengal Staff Corps. Lieut. Colonel George Jackson, Bengal Staff Corps. Lieut. Colonel Robert John Hawthorne, Bengal Cavalry. Lieut. Colonel Stephen Francis Macmullen, Bengal Cavalry. Lieut. Colonel Robert Napier Raikes, Bengal Infantry. Lieut. Colonel Peter William Luard, Bengal Infantry. Lieut. Colonel George Verner, Bengal Staff Corps. Lieut. Colonel Alexander Boyd, Bengal Infantry. Lieut. Colonel Richard Charles Lawrence, C. B., Bengal Staff Corps. Lieut. Colonel Henry Nicoll, Bengal Staff Corps.	18th February 1866.
Lieut. Colonel Robert Christopher Tytler, Bengal Infantry. Lieut. Colonel Goodricke Armstrong Fisher, Bengal Infantry. Lieut. Colonel Septimus Harding Becher, Bengal Staff Corps. Lieut. Colonel Charles Harris, Bengal Infantry. Lieut. Colonel John Samuel Drury Tulloch, Bengal Staff Corps. Lieut. Colonel Charles Lionel Showers, Bengal Infantry. Lieut. Colonel Augustus Turner, Bengal Staff Corps.	18th February 1866.
Lieut. Colonel Samuel Brougham Faddy, Bengal Infantry.	24th February 1866.*
Lieut. Colonel John William Carter, Bengal Infantry.	24th February 1866.
Lieut. Colonel Charles Fitzroy Miller Mundy, Bengal Staff Corps. Lieut. Colonel Gordon Caulfeild, Bengal Infantry.	23rd March 1866.
Lieut. Colonel Robert Renny, C. B., Bengal Staff Corps.	31st March 1866.
Lieut. Colonel Edward Tuite Dalton, Bengal Staff Corps.	13th June 1866.

No. 977 *of* 1866.—The under-mentioned Officer, having completed five years' service as substantive Lieutenant Colonel in the Staff Corps, is promoted to the rank of Colonel by Brevet, from the date specified, under the operation of Clause 2 of the Royal Warrant dated 16th January 1861, subject to Her Majesty's approval :—

Lieutenant Colonel John Cheap Brooke.	12th June 1866.

* This cancels his promotion published in G. G. O. No. 238 of 1866.

No. 978 *of* 1866.—Agreeably to G. G. O. No. 181 of 12th December 1833, the under-mentioned heirs of deceased Native Soldiers are admitted to the Native Family Pension from the dates specified opposite to their names, and the Pay Masters of Pensioners in whose Circles the individuals reside will furnish the prescribed Rolls to the Department of Audit and to the parties concerned :—

Names of Claimants.	Age		Height		Caste.	Personal appearance and particular marks	Village and District.	Nature of relationship to the deceased	Description of the deceased relations on whose account claims are made.			Date of Admission	Date of Committee's Proceedings.	Amount of Pension	For what period.	By what Pension Pay Master payable.
	Years.	Months	Feet	Inches					Name	Rank	Last Corps.					
														Rs. A. P		
Ram Singh ...	85 ...		5	5	Sikh ..	Old and decrepid; legs appear diseased; hair quite white.	Ameen ... Thanesur .. Kurnaul ..	Father	Sawun Singh	Sepoy ...	Sappers and Miners.	25th April 1864	25th April 1866	2 12 0	For life ...	Meerut.
Rambuseeah ...	35 .		4	11	Gwallin	Tattooed on the upper part of the left arm; a scar from small-pox on the outer side of upper part of right arm.	Jullebrah .. Chousah .. Arrah ...	Widow	Lotun .	Sepoy ..	67th N. I. ...	12th June 1864	12th June 1866	2 12 0	For life .	Dinapore.
Adheen ...	11 ...		4	3	Chumar	Scar of a boil below the left knee.	Dhunsarie Pertabghur Lucknow ...	Son	Bhoolah .	Doonie Bearer	Const. Dept	21st May 1864	21st May 1866	2 6 0	Twelve years	Lucknow

Arrears of pension restricted to two years antecedent to date of Committee's Proceedings.

Names of Claimants.	Age		Height		Caste.	Personal appearance and particular marks	Village and District.	Nature of relationship to the deceased.	Description of the deceased relations on whose account claims are made.			Date of Admission.	Date of Committee's Proceedings	Amount of Pension	For what period.	By what Pension Pay Master payable.
	Years.	Months.	Feet.	Inches.					Name.	Rank.	Last Corps					
														Rs. A. P.		
Foudari .	30	.	4	9½	Rabha ..	Dark; has two large round scars between her shoulders.	Bhallee Habraghat Gowalpara	Widow	Jhaproo ..	Sepoy ...	13rd N. I. ...	5th Feb. 1865	23rd June 1866	2 12 0	For life ...	Dinapore.
Phyheem Khan	70	..	5'	7	Pathan	Retreating eyes; white hair; shaven moustache; spare whiskers.	Ruzut .. Charsudda Peshawur..	Father	Ahmud Khan	Sepoy ...	29th N I	2nd April 1865	1st June 1866	2 12 0	For life ...	Meerut.

H. K BURNE, *Lieut. Colonel,*
Offg. Secy. to the Govt. of India.

Great Trigonometrical Survey of India.

NOTIFICATIONS.

The 12th November 1866.

No. 44.

Mr. A. Low is appointed a Probationary Sub-Assistant of the 4th Grade, with effect from 1st instant.

The 13th November 1866.

No. 46.

Mr. W. Waite, 2nd Class Sub-Assistant, Great Trigonometrical Survey, has been permitted to resign his appointment from the afternoon of the 17th October.

Mr. James Bond is appointed Sub-Assistant of the 4th Grade, with effect from 18th October.

J. T. WALKER, *Lieut. Col.*, R. E.,
Supdt., G. T. Survey.

BANK OF BENGAL.

Calcutta, the 20th November 1866.

Notice is hereby given that, in conformity with Section XV of the Charter (Act IV of 1862), a Meeting of the Proprietors of the Bank of Bengal will be held at the Bank on Monday, the 10th December, at 10 A. M., to elect three Directors in the rooms of Messrs. T. R. Grant and John Skinner, who go out by rotation, and the Hon'ble David Cowie, who resigns his seat in the Direction.

By order of the Directors,

GEO. DICKSON,
Secretary and Treasurer.

NOTICE.

A New Edition of the Map of DISTRICT NUDDEAH, showing Village boundaries, Scale 1 Mile equal to 1 Inch, in 8 Sections, with a small Index, is now ready for issue.

Applications for the Maps *bonâ fide* on the Public Service, to be addressed to the Registrar, Surveyor General's Office, Calcutta.

For private use, on payment, the Map can be obtained from all Booksellers and the "School Book Society," Calcutta, at the following rates:—

		Rs.	A.	P.
Uncolored and Unmounted.	On *thick paper*, the Map complete in 8 Sections with Index...	8	0	0
	Or each Section separate ...	2	0	0
	On *thin paper*, the Map complete in 8 Sections with Index .	6	0	0
	Or each Section separate ...	1	8	0

N. B.—Parties requiring the Map Colored and Mounted must pay extra for the same.

J. E. GASTRELL, *Lieut. Colonel,*
Offg. Depy. Surveyor Genl. of India.

Statement of Silver Balance in the Mint.

Balance of Bullion under assay or remaining to be assayed on the morning of the 12th November 1866	17,14,789
12th November tendered	11,875
	17,26,664
Certificates issued	2,21,319
Balance	15,05,345
13th November tendered ...	64,017
	15,69,362
Certificates issued	2,13,099
Balance	13,56,263
14th November tendered ...	20,671
	13,76,934
Certificates issued	2,02,187
Balance	11,74,747
15th November tendered ...	32,365
	12,07,112
Certificates issued	4,06,442
Balance	8,00,670
16th November, Holiday, tendered ...	...
	8,00,670
Certificates issued	...
Balance	8,00,670
17th November, Holiday, tendered ...	...
	8,00,670
Certificates issued	...
Balance	8,00,670
Add difference in value between Tender and Certificates . .	48,799
Balance of Bullion under assay or remaining to be assayed ..	8,49,469
Note.—Value of Silver remaining for coinage at end of week and appertaining to the Mint Balance ...	85,45,257
Ditto ditto not assayed ...	8,49,469
	93,94,726
Deduct value of Silver appertaining to the Currency Department ..	85,42,878
TOTAL ...	8,51,848

CALCUTTA MINT,
The 19th November 1866.

J. A. BALLARD,
Offg. Mint Master.

ADVERTISEMENTS.

THE GAZETTE OF INDIA.

In consequence of the return of the Viceroy and Members of the Government of India to the Presidency, the *Gazette of India* will, on and after the 3rd November, be published in Calcutta. All communications, therefore, regarding the *Gazette*, should be addressed to the Office of the Superintendent of Government Printing, Military Orphan Press.

Price Five Rupees.

Finance and Revenue Accounts of the Government of India for the year 1864-65, and Estimate of Revenue, Expenditure, and Cash Balances for 1865-66, with a comparison of the two years.

Price Two Rupees.

Budget Estimate of Revenue, Expenditure, and Cash Balances of the Government of India for the year 1866-67.

CALCUTTA:
OFFICE OF SUPDT. OF GOVERNMENT PRINTING
MILITARY ORPHAN PRESS.
1866.

Just published in Limp Cloth, price Rs. 2-8.

A COMPILATION OF ORDERS
RELATING TO
MUSKETRY INSTRUCTION,
RIFLED ARMS, AMMUNITION, RANGES AND APPLIANCES,
&c., &c.

By Authority.

The Commander-in-Chief having been pleased to approve of a Compilation, prepared by the Chief Inspector of Musketry, of all general and departmental orders relating to Musketry Instruction, Rifled Arms, Ammunition, Ranges and Appliances, &c., &c., &c., has directed the same to be published for the convenience and use of the Staff of British Regiments and of Departments concerned.

All orders on the subject of Musketry Instruction, found necessary to admit of the system laid down in the Musketry Regulations being adhered to in India, have been revised; and this Compilation is to be considered and quoted as an order in supersession of all those contained in Circular, No. $\frac{610}{E}$ of the 5th September 1862, and subsequently issued from the Office of the Chief Inspector of Musketry.

CALCUTTA:
OFFICE OF SUPDT. OF GOVERNMENT PRINTING,
MILITARY ORPHAN PRESS.
1866.

CURRENCY NOTES LOST OR STOLEN.

Extract from Financial Department Notification No. 1004 A, dated Simla, 30th July 1866.

Para. 9.—"The person making the statement respecting a lost or destroyed note, or portion of note, will be required to advertise its loss (free of charge) *thrice* at least in the *Official Gazette* of the Presidency or place where or within which the note is payable, and *once* in the *Gazette of India*."

LOST

A Currency Note No. $\frac{A}{18}$60881, dated 8th May 1862, of the Lahore Circle.

In transit half of Allahabad Currency Note No. $\frac{A}{13}$84273 for Rs. 100. Payment stopped.

Right half of Bank Note No. $\frac{A}{9}$69857 for Rs. 20.

Halves of the following Currency Notes, intimation of loss given to the Currency Office, Calcutta:—

Nos. $\frac{A}{11}$64335 and $\frac{A}{23}$86782 for Rs. 50 each.

Second halves of the following Currency Notes, intimation of loss given to the Currency Office, Allahabad:—

No. $\frac{A}{18}$24666 for Rs. 10
" $\frac{A}{18}$24667 " 10
" $\frac{A}{18}$24668 " 10

Halves of the following Currency Notes, intimation of loss given to the Currency Office, Allahabad:—

No. $\frac{A}{18}$27597 for Rs. 10, and Nos. $\frac{A}{26}$15810, and $\frac{A}{26}$15812 for Rs. 20 each.

Half of the following Currency Note, intimation of loss given to the Currency Office, Calcutta:—
No. $\frac{A}{9}$11549 for Rs. 20, dated 11th July 1861.

First half of the Currency No. $\frac{A}{13}$20459 for Rs. 500, intimation of loss given to the Currency Office, Allahabad.

One half of Currency Note No. $\frac{A}{23}$43286 of 14th May 1862.

Half of Government Currency Note No. $\frac{A}{26}$05251 of the Allahabad Circle.

In the Post Office half of the following Currency Note, intimation of loss given to the Currency Office, Calcutta:—
No. $\frac{A}{11}$54914, dated 13th July 1861, for Rs. 50.

Government Currency Note No. $\frac{A}{18}$25885, for Rs. 10.

LOST OR STOLEN

Left half of the Government of India Currency Note, No. $\frac{A}{19}$19632, dated 2nd May 1862, for Rs. 10, intimation of loss given to the Currency Office, Calcutta.

In transit by Post between Goojrat and Umritsur, Punjab, the right halves of the following Currency Notes of the Lahore Circle of Issue:—

Nos. $\frac{A}{30}$34016, $\frac{A}{30}$34017 for Rs. 100 each; Nos. $\frac{A}{15}$10067, $\frac{A}{15}$10068, $\frac{A}{15}$10069, $\frac{A}{15}$10070, $\frac{A}{15}$10071, $\frac{A}{15}$10072, $\frac{A}{15}$10073, and $\frac{A}{15}$10075, for Rs. 50 each; and of the Allahabad Circle of Issue, No. $\frac{A}{50}$16294 for Rs. 100.

STOLEN

In Post from Subathoo to Calcutta right half of Lahore Currency Note for Rs. 50, No. $\frac{A}{15}$10836, dated 15th July 1861.

LOST

A Government (5) five per cent. Promissory Note No. $\frac{008125}{005849}$ of 1856-57, standing in the name of B. Hardinge, Esq., payment whereof has been stopped.

LUCKMEECHUND RADAKISHEN.

CALCUTTA,
22nd November 1866.

NOTICE.

DESTROYED BY WHITE ANTS.

The under-mentioned 4 per cent. Government Promissory Notes, standing in the name of Hur Gobind Mullick, the proprietor, by whom they were never endorsed to any other person. Intimation of destruction of the Notes has been given to the Bank of Bengal and Comptroller General of Accounts for the issue of duplicate Notes:—

No. 9197 of 5075 of 1842-43, dated 1st February 1843, at 4 per cent., for Rs. 2,000.

No. 10318 of 1835-36, dated 31st March 1836, at 4 per cent., for Rs. 500.

No. 11873 of 14979 of 1835-36, dated 31st March 1836, at 4 per cent., for Rs. 1,000.

HUR GOBIND MULLICK,
Govt. Pensioner.

JUGGUDDAL,
The 5th November 1866.

Just published, price 2 Rupees.

CLASSIFIED LIST

OF

PUBLIC WORKS OFFICERS,

Corrected up to 1st May 1866.

CALCUTTA:
OFFICE OF SUPDT OF GOVERNMENT PRINTING,
MILITARY ORPHAN PRESS.
1866.

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1866.

GOVERNMENT OF INDIA.

RE-PRINTS
OF
Records in the Public Works Department.

No. 1

PROGRESS REPORT OF FOREST ADMINISTRATION IN THE CENTRAL PROVINCES, 1863-64 BY CAPTAIN G F. PEARSON, 33rd M. N. I., Conservator of Forests, Central Provinces, accompanied by a Memorandum thereon by DR. D. BRANDIS, Inspector General of Forests. To which is appended a Report by DR. BRANDIS on his deputation to the Central Provinces in 1863-64. *Price Re.* 1.

No. 2.

PROGRESS REPORT OF FOREST ADMINISTRATION IN BRITISH BURMAH, 1863-64. By H. LEEDS, Esq, Officiating Conservator of Forests, British Burmah, with a Memorandum thereon by DR D BRANDIS, Inspector General of Forests. To which are appended other papers and correspondence regarding Forests, and the system of working them in these parts. *Price Re.* 1.

No. 3.

REPORT UPON THE DEODAR FORESTS OF BUSSAHIR, to which are appended REGISTERS OF VALUATION, FOREST SURVEYS IN BUSSAHIR AND THE DISTRICT OF JAONSAR BAWUR. WITH OTHER STATEMENTS RELATING TO THE GROWTH OF THE DEODAR TREE IN THE WESTERN HIMALAYA. Being the result of a joint examination of the Bussahir Forest BY D BRANDIS, Ph. D., Inspector General of Forests to the Government of India, J. L STEWART, M. D., Officiating Conservator, Punjab, and CAPTAIN E. WOOD, Officiating Conservator, Oudh. With a Map illustrating the situation of the Forests. *Price Re.* 1-8.

No. 4.

PAPERS RELATING TO RAILWAY COMMUNICATION BETWEEN BOMBAY AND THE NORTH-WESTERN PROVINCES. Extending over the years 1864-65. *Price Re.* 1-8

No. 5.

REPORT OF THE OPERATIONS ON LIGHTHOUSES during the season of 1864-65. By LIEUT-COL. A. FRASER, R. E. Superintendent of Lighthouses. *Price Re.* 1-8.

No. 6.

THIRD ANNUAL REPORT ON THE MANAGEMENT AND CONSERVANCY OF THE OUDH FORESTS for the forest year ending September 30th, 1864 BY CAPTAIN E. S. WOOD, Officiating Conservator, Oudh Forests. *Price Re.* 1.

No. 7.

PROGRESS REPORT OF FOREST ADMINISTRATION IN BRITISH BURMAH, 1864-65. BY H. LEEDS, ESQ., Officiating Conservator of Forests, British Burmah *Price Re.* 1.

CALCUTTA:
OFFICE OF SUPDT. OF GOVERNMENT PRINTING,
MILITARY ORPHAN PRESS.
1866.

Just published.

BENGAL OFFICIAL ARMY LIST.

The Bengal Official Quarterly Army List, No. XVIII, corrected in the Office of the Adjutant General up to the 1st October, is now ready. Price Five Rupees in advance, and Eight Annas extra if sent by Post.

Apply at the Office of Superintendent, Government Printing, Military Orphan Press, Calcutta.

SALE OF WASTE LANDS IN THE PROVINCE OF OUDH.

Notice is hereby given that several plots of Waste Lands in the District of Gondah, as shown in the accompanying list, will be sold by auction to the highest bidder, above the upset price of Rupees 2-8-0 per acre on the 1st December 1866, at the Office of the Deputy Commissioner of Gondah, should no objection be preferred such as to render it necessary to defer the sale, under the provisions of Act XXIII. of 1863.

The sale will be made in the manner and subject to the conditions prescribed by the Rules for the sale of Waste Lands in Oudh, and to the provisions of Act XXIII. of 1863.

Maps of the several grants can be seen at the Deputy Commissioner's Office.

A. G. GROTE,
Asst. Commr., for Depy. Commr.

List of Jungle Grants available for sale in the District of Gondah in the Province of Oudh.

General No.	Pergunnah.	Name of Grant.	Number of Acres.	BOUNDARIES.
				Tehseel Turrufgunge.
1/1	Munkapoor ...	Chittownah Kote	3,104	Bounded on the north by mouzah Sujjway Nuddy; on the south by Mr. Glynn's grant; on the east by Munawur Nuddy, and on the west by Grant No. 8 (Sujjway Surokar).
2/1	Ditto ...	Sujjway Surokar	2,071	Bounded on the north by mouzah Sujjway Nuddy, on the south by Mr. Glynn's grant; on the east by grant Chittownah Kote, and on the west by mouzah Gurrurhaie and grant Tuidooah.
3/1	Ditto ...	Tuidooah ...	1,027	Bounded on the north by mouzah Khuthireah hamlet of Hurdawah and Sujjway Nuddy; on the south by grant Gurrurhaie; east by Sujjway Nuddy and grant Sujjway Surokar, and on the west by mouzahs Bugdeiriah, Purunpoor, Ditteeah, Sutteah, and Ramroop Bunkut, hamlets of mouzah Hurduwah.
4/1	Ditto ...	Kuttahur ...	525	Bounded on the north by mouzah Kuttahur and grant of Yakool Ally Khan; on the south by Sujjway Nuddy; east by Munawur Nuddy, and on the west by mouzah Kuttahur.
5/1	Ditto ...	Choubeypoor ...	1,582	Bounded on the north by Biswee Nuddy; on the south by mouzahs Muddenpoor, Bhyrawa, Choubeypoor, Metilika and Khoorasow; on the east by mouzahs Umgheity, Soreewah, and Khurka, and on the west by mouzah Duttowlee.
6/1	Boorapair ...	Sujjunniah ...	814	Bounded on the north by mouzahs Mulleepoor, Dowlutpoor, Sarce, and Chandpoor; on the south by Sawaie Nullah, grant of Hurruttun Sing, and mouzah Rehartuppeekee; on the east by mouzah Jeasunpoor, and on the west by Sawaie Nullah, mouzahs Muddaipoor and Hutteahghur.
7/1	Ditto ...	Suggragurh ...	1,444	Bounded on the north by mouzahs Mahomedpoor, grant Sawukpoor and Chunderdass; on the south by mouzahs Nuthoonpoor, Phorunda, Hussunghur, and Owradhee; on the east by mouzah Sootheah, and on the west by mouzah Hislampoor.
8/1	Sadoollanugger	Bundrabee	2,652	Bounded on the north by Kooany Nuddy; on the south by mouzahs Raneepoor, Achulpoor, Tendooah, Bhaupoor, Ghoorapoor, Bhirwah, and Sokeah Tahir; on the east by mouzah Peetjeah, and on the west by mouzahs Lokeabhur and Manugarah
9/1	Utroulah ...	Etaie ...	951	Bounded on the north by mouzah Oorlaiha and grant of Baboo Shew Nath Sing and Thakoor Shere Bahadoor Sing; on the south by mouzah Ailrah; on the east by Grant No. 31 (Ramghur) and mouzah Ailrah, and on the west by mouzah Pukkree and Grant No. 26 (Pukkree).
10/1	Ditto ...	Ramghur ...	1,154	Bounded on the north by grants of Baboo Shew Nath Sing and Shere Bahadoor Sing; on the south by Kooany Nuddy; on the east by Kurda Nullah and Grant No. 32, and on the west by mouzah Ailrah and Grant No. 30.

DEPY. COMMR.'S OFFICE;
GONDAH,
The 28th August 1866.

A. G. GROTE,
Asst. Commr., for Depy. Commr.

Printed and Published for the GOVT. OF INDIA, *at the Office of* SUPDT. OF GOVT. PRINTING, *Military Orphan Press, 6, Bankshall Street, Calcutta.*

The Gazette of India,

EXTRAORDINARY.

Published by Authority.

CALCUTTA, THURSDAY, NOVEMBER 29, 1866.

FOREIGN DEPARTMENT.

Viceregal Camp, Agra, 21st November 1866.

On Tuesday, the 20th November, His Excellency the Viceroy and Governor General of India received the under-mentioned Princes, Chiefs, and Native Gentlemen in Public Durbar :—

His Highness the Maharaja Scindia of Gwalior, G. C. S. I., and 9 attendant Sirdars.
His Highness the Maharaja of Jeypore, G. C. S. I., and 9 attendant Sirdars.
His Highness the Maharajah of Jodhpore, G. C. S. I., and 9 attendant Sirdars.
Her Highness the Begum of Bhopal, G. C. S. I., and 9 attendant Sirdars.
The Maharao of Kotah, with 6 attendant Sirdars.
The Maharaja of Kishengurh, do. do.
The Maharaja of Bhurtpore, do. do.
The Maharao Raja of Ulwur, do. do.
The Nawab of Tonk, do. do.
The Maharaj Rana of Dholepore, do. do.
The Maharaj Rana of Jhalawur, do. do.
The Maharaja of Oorcha, do. do.
The Maharawut of Pertabgurh, do. do.
The Rao Maharaja of Duttia, do. do.
The Raja of Sumpthur, do. do.
The Maharaja of Chirkaree, do. do.
The Raja of Bijawur, do. do.
The Raja of Chutterpore, do. do.
The Raja of Sureela, with 3 attendant Sirdars.
The Rais of Myhere, do. do.
The Jageerdar of Alipoora, do. do.
Mirzah Feyazooddeen
Mirza Mahomed Saeed Bukht
Mirza Laul
Mirza Mouzooddeen Bukht
Mirza Secunder Bukht
Mirza Raheemooddeen
Mirza Mohamed Mohsan Bukht
Mirza Mohamed Azeezooddeen Bukht
} Members of the Ex-Royal Family of Delhi.
The Hon'ble the Maharaja of Vizianagram, K. C. S. I., and son (Madras).
The Maharaja of Bulrampore, K. C. S. I. (Oudh).
The Maharaja of Bhadower (N. W. P.)
The Maharaja of Doomraon (N. W. P.), and nephew.
The Maharaja of Deo, K. C. S. I. (Bengal).
Maharaja Sir Jeymungul Singh of Gidhore, K. C. S. I. (Bengal).
Raja Sir Deonarain Singh, K. C. S. I. (N. W. P.)
Raja Sir Dinkur Rao, K. C. S. I. (N. W. P.)

Raja the Hon'ble Sir Sahebdyal Singh, K. C. S. I.
Raja Sir Radhakant Deb, K. C. S. I. (Bengal).
Nawab Foujdar Khan, C. S. I. (Punjab).
Baba Khen Singh Bedee (Punjab.)
Sirdar Sir Nehal Singh Chachee, K. C. S. I. (Punjab).
The Raja of Mynpoorie, C. S. I. (N. W. P).
The Raja of Kasheepore, C. S. I. (N. W. P).
Raja Bulwun Singh, Kasheewala (N. W. P.), and his nephew.
Raja Bindessory Pershad of Sirgoojah, C. S. I. (Bengal).
Raja Dirgbijey Singh of Morarmow, C. S. I. (Oudh,) and son.
Raja Suttoshurn Ghosal, C. S. I. (Bengal).
The Raja of Bansee, C. S. I. (N. W. P).
Raja Hurdeo Buksh of Kuttiaree, C. S. I. (Oudh).
The Raja of Gopalpore (N. W. P.)
Sirdar Soorut Singh, C. S. I. (N. W. P.)
Baboo Prosono Coomar Tagore, C. S. I. (Bengal).
Raja Teekum Singh of Moorsan, C. S. I. (N. W. P.)
Raja Keshorao of Goorserai (N. W. P.), with his son Atma Ram.
Nawab Asghur Ali Khan of Rampore (N. W. P.)
Raja Bunsput Singh of Barra (N. W. P.)
Raja Tejbul Singh of Dayah (N. W. P.)
Raja Jeykissen Doss (N. W. P.)
Raja Pirthee Singh of Awah.
Raja Dilsook Rai of Bilram (N. W. P.)
Raja Juswunt Rao of Etawah, C. S. I. (N. W. P.)
Raja Pertab Singh of Tajpoor (N. W. P.)
Raja Mahesh Narain of Rajabazar (N. W. P.)
Raja Salamut Khan (Jounpore, N. W. P.)
Rao Bulwunt Rao of Kirwee (N. W. P.)
Imam Buksh Khan (Punjab).
Syud Azim-ood-deen Hossein Khan Bahadoor, C. S. I. (Bengal).
Dewan Moula Buksh, C. S. I. (Bengal).
Nawab Mahomed Ali Shah of Meerut (N. W. P.)
Syud Meer Khan Sirdar Bahadoor (N. W. P.)
Khan Jehan Khan of Jowra (Central India).
And one hundred other Native Gentlemen from the N. W. P.

Representatives from the following Native States also witnessed the ceremony: Cashmere, Bahawulpore, Puttiala, Jheend, Nabba and Kuppoorthulla in Northern India, Oodeypoor, Boondee, Beekaneer, and Jeysulmere in Rajpootana and Indore, Rewah, Baonee, Dewas, Adjeygurh, Sillana, and Nagode in Central India.

Illness prevented the attendance of the Maharaja of Kerowlee, G. C. S. I.

The Lieutenant Governors of Bengal, the N. W. Provinces, and the Punjab; the Commander-in-Chief of the Army; the Hon'ble G. N. Taylor and the Right Hon'ble W. N. Massey, Members of the Government of India, together with a large concourse of British Officers, Civil and Military, were present in the Durbar, seated on the left of the Viceregal Dais.

The Maharaja Scindia of Gwalior sat on the immediate right of the Dais, and on the Maharaja's right were seated in succession the Maharaja of Jodhpore and the Begum of Bhopal. The next seat was reserved for the Foreign Secretary, and after the Foreign Secretary were ranged in order of precedence the remaining Chiefs, Nobles, and Native Gentlemen, excepting the Maharaja of Jeypore.

As a special arrangement, forming no precedent for the future, the Maharajah of Jeypore was allowed a seat on the left of the Dais, corresponding to that occupied by the Maharaja Scindia on the right.

When all were assembled, His Excellency the Viceroy and Governor General of India entered the Durbar, attended by the Secretaries to the Government of India and the Officers of His Excellency's personal Staff. A Royal Salute was fired, and until it was over, all present remained standing.

The Viceroy then took his seat upon the throne, and the presentations commenced.

The Maharajas of Gwalior, Jodhpore, and Jeypore with their respective Sirdars were in turn presented to the Viceroy by the Foreign Secretary. The Sirdars all offered Nuzzurs to His Excellency, but the Maharajas themselves were exempted from this ceremony.

The Begum of Bhopal and the other Native Chiefs and Gentlemen who had been summoned to the Durbar were afterwards one by one presented to the Viceroy, each offering the prescribed Nuzzur.

The following Native Gentlemen, on being presented to the Viceroy, were honored with special rewards for their services in the cause of Public Education :—

Baba Khen Singh Bedee
Imam Buksh Khan
Lala Ram Chundra
Lala Wuzeer Sing
} From the Punjab.

Baboo Shiva Prasad
Syud Ahmed Bahadoor
} From the N. W. P.

Wamun Gopal from Malwa.

The Viceroy then proceeded to confer Khilluts generally on those who had been presented, beginning with the Maharaja Scindia.

When the Rajah of Chutterpore had received his Khillut, the Foreign Secretary explained in Hindoostanee that there was no time for the public distribution of any more Khilluts, but that those remaining to be distributed (about 200 in number) would be issued the following day from the Foreign Office.

After this explanation the Viceroy and Governor General rose from the throne, and delivered in Hindoostanee an address to the assembled Princes and Chiefs to the following effect :—

" MAHARAJAS, RAJAS, AND SIRDARS!

" It is with great satisfaction that I see you all assembled before me this day. I bid you all a hearty welcome to this famous city, renowned for its splendid Taj; and above all, as having been in former days the seat of Government of the great Emperor, from whom it derives its name, of Akbar-a-bad.

" It is good for us thus to meet together: it is advantageous for me, as the Viceroy of the illustrious Queen of England and India, to see and become acquainted with so many Chiefs of rank and reputation; and for you all, it is right that you should be able to speak face to face with me, and hear my views and wishes regarding the management of your respective Territories.

" The art of governing wisely and well is a difficult one, which is only to be attained by much thought, and care, and labor. Few Kings and Chiefs in Hindoostan have possessed the necessary qualifications, because they have not taken the precaution, in their youth, to learn, to study, and to act for themselves; nor did they care to have their sons, those who were to succeed them, well instructed and carefully trained. Hence it has so often happened, that after a Chief has passed away, he has not been remembered as a good and wise Ruler. Great men, when living, often receive praise from their friends and adherents for virtues which they do not possess; but it is only after this life is ended, that the real truth is told. Of all fame that such men can acquire, that alone is worth having which is accorded to a just and beneficent Ruler. The names of conquerors and heroes are forgotten, but those of virtuous and wise Chiefs live for ever.

" The days of war and rapine, it is to be hoped, have passed away from Hindoostan, never to return. But perhaps some of the Chiefs now present can recollect the time in India; and all must have heard of the times when neither the Palace of the Ruler, nor the Cottage of the Peasant, nor the most sacred Edifices of Hindu nor Mahomedan, were safe from the hands of the plunderer and destroyer. In those days whole Provinces were one scene of devastation and misery; and in vast tracts of country scarcely the light of a lamp was to be seen in a single village. English rule in India has put all this down. No longer is the country a waste and a wilderness, the abode of savage animals. Now it is to a great extent covered with populous villages, and rich with cultivation; and all the inhabitants are living in comparative safety under the shade of English power.

" But while such no doubt, to a great extent, is a true picture of the state of India, still when we enquire closely into the condition of different parts of the country, we cannot but perceive that much tyranny and oppression are still practised; that much individual suffering still exists; and that much crime escapes unpunished. That peace and that security from outward violence which the

British Government confers on your territories, you must extend to your people. None but the Rulers of their own lands can accomplish this; and they only can do it by constant care and supervision. They have plenty of time to do all that is necessary, if they have only the will. Chiefs have abundant time for their own pleasures and amusements; indeed many of them have more leisure than they can employ; and are often weary from want of something to interest them. Others again waste their time in disputes with their neighbours, in quarrels with their feudatories, and even in still less satisfactory ways.

"If a Chief will neglect his own proper duty, the care of his State, how can he expect that a Deputy will perform it properly for him? Good laws and well-selected officials carefully supervised are necessary to insure good government. An efficient Police and a well-managed revenue are equally desirable, so that people may live in safety and enjoy the fruits of their industry. Schools for the education of the young, and Hospitals for the cure of the sick, should also be established. Some Chiefs are perhaps in debt, and would find it difficult to do much in the way I have sketched. But other Chiefs have abundant revenues; and all I ask is that every Ruler should act according to his means. Some among you vie with each other for precedence, and feel aggrieved at the position which they occupy. How much more to the purpose would it be if all would try, which can govern his country in the wisest manner: in this way there is abundance of scope for all. The British Government will honor that Chief most who excels in the good management of his people; who does most to put down crime and improve the condition of his country. There are Chiefs in this Durbar who have acquired a reputation in this way. I may mention Maharajah Scindia and the Begum of Bhopal. The death of the late Nawab Ghous Khan of Jowra was a cause of grief to me, for I have heard that he was a wise and beneficent Ruler. The Raja of Seetamow in Malwa is now 90 years old, and yet it is said that he manages his country very well. The Raja of Khetree in Jeypore has been publicly honored for the wise arrangements he has made in his lands. It is to me a very great pleasure when I hear of the meritorious conduct of any Chief, and I try and make this known, so as to encourage other Rulers to follow his example.

"Kings and Chiefs in former times had no idea of opening out their countries. They often lived in difficulty and almost inaccessible positions, surrounding their Palaces with all kinds of fortifications, out of which they seldom ventured to any distance; and then only when attended by as many soldiers and armed followers as they could muster. As to travelling to see the wonders of other countries, such an idea never entered their minds; or if it did, it was dismissed as utterly impracticable. Now the Princes of Hindoostan have little hesitation in moving from one place to another at a distance from their own Territories, and some Chiefs have become so enlightened and far-seeing as to be willing to have roads made through the length and breadth of their lands, and some have contributed annually considerable sums for this purpose. I hope that others will follow their example, and do all they can to construct roads, canals, and wells in their country, thus enriching themselves and their people.

"I will now conclude by wishing you all again a welcome to Agra, and trust that what you will have seen and heard, and the general reception you have received, may make you long remember this Durbar. I have but one object, namely, that you should try and govern your people well, and thus conduce to your own good name and their happiness."

After the usual concluding ceremonies, the Viceroy and Governor General left the Durbar under a Royal Salute, accompanied by the Lieutenant Governors, the Commander-inChief, and the Personal Staff.

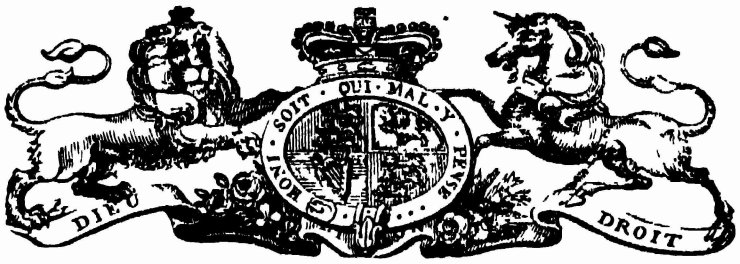
By Order,

J. W. S. WYLLIE,

Under Secy. to the Govt. of India.

Printed and Published for the Govt. of India, *at the Office of* Suptdt. of Govt Printing, *Military Orphan Press, 4, Hastings Street, Calcutta*

No. 49.



The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, DECEMBER 8, 1866.

HOME DEPARTMENT.

LEGISLATIVE.

Agra Camp, the 20th November 1866.

The following Bill and Statement of Objects and Reasons accompanying it, are published for general information by order of His Excellency the Governor General, under the 19th of the Rules for the Conduct of Business at Meetings of the Council of the Governor General of India for the purpose of making Laws and Regulations :—

A Bill to empower Courts of Small Causes in the Mofussil to refer for decision questions arising in the execution of decrees.

Preamble.

Whereas it is expedient to enable the Courts constituted under Act No. XI of 1865 *(to consolidate and amend the law relating to Courts of Small Causes beyond the local limits of the ordinary original Civil jurisdiction of the High Courts of Judicature)* to refer for the decision of the High Court within whose jurisdiction they may respectively be situate questions of law or usage having the force of law arising in the execution of decrees in suits under the said Act; It is hereby enacted as follows :—

Power to refer to High Court questions arising in the execution of decrees.

1. If in the execution of the decree in any suit under the said Act any question of law, or usage having the force of law, shall arise, the Court, in suits for an amount not exceeding five hundred Rupees, may, either of its own motion or on the application of any of the parties to the suit, and in suits for an amount greater than five hundred Rupees shall, draw up a statement of the case and refer it with the Court's own opinion thereon to the decision of the High Court within whose jurisdiction such Court may be situate; and the execution of the decree shall be stayed until the receipt of the order of the High Court upon such reference.

This Act to be read with Act XI of 1865.

2. This Act shall be read with and taken as part of Act No. XI of 1865; and the provisions contained in Sections 24, 25, 26, 27 and 28 of that Act shall, *mutatis mutandis*, apply to cases referred under this Act.

STATEMENT OF OBJECTS AND REASONS.

Section 22 of Act No. XI of 1865, which consolidates and amends the law relating to the Mofussil Courts of Small Causes, empowers these Courts to refer to a superior Court questions of law or construction arising in the trial of suits under the Act. But it has been doubted whether there is power to refer this class of questions when they arise in the execution of the decree. The present Bill, which has been framed at the desire of the Government of the North-West Provinces, and at the instance of the High Court, precludes such doubts, by expressly giving the power last mentioned.

SIMLA, *5th November* 1866. } H. S. MAINE.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

Camp Agra, the 23rd November 1866.

The following Bill and Statement of Objects and Reasons accompanying it are published for general information by order of His Excellency the Governor General, under the 19th of the Rules for the Conduct of Business at Meetings of the Council of the Governor General of India for the purpose of making Laws and Regulations :—

A Bill to enable the Lieutenant-Governor of the Punjab to create new, and to alter the limits of existing Districts in any part of the Territories under his Government.

Preamble.

Whereas it is expedient to empower the Lieutenant-Governor of the Punjab to create new and to alter the limits of existing Districts in the Territories under his Government; It is hereby enacted as follows :—

Power to Lieutenant-Governor of the Punjab to create and alter Districts.

1. On and from the first day of January 1867, it shall be lawful for the Lieutenant-Governor of the Punjab, by a Notification in the Local *Gazette*, to create new Districts in any part of the Territories

under his Government, and from time to time to alter the limits of existing Districts in any part of the same Territories.

Saving of power of Governor-General under Act XXI of 1836.

2. Nothing contained in this Act shall affect the power conferred on the Governor-General of India in Council by Act No. XXI of 1836.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill, which has been prepared at the desire of the Local Government, is to empower the Lieutenant-Governor of the Punjab to create new, and to alter the limits of existing Districts in the Territories under his Government, and thus to dispense with the necessity of a reference to the Supreme Government whenever territorial changes in the Punjab are necessary for fiscal or political considerations.

H. S. MAINE.

SIMLA,
The 7th November 1866.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

Camp Agra, the 29th November 1866.

The following Bill and Statement of Objects and Reasons accompanying it are published for general information, by order of His Excellency the Governor General, under the 19th of the Rules for the Conduct of Business at Meetings of the Council of the Governor General of India for the purpose of making Laws and Regulations :—

A Bill to define the jurisdiction of the Courts of Civil Judicature in the Jhansí Division.

Preamble.

Whereas it is expedient to define the jurisdiction of the Courts of Civil Judicature in the Jhansí Division; it is hereby enacted as follows :—

Short title.

1. This Act shall be called "The Jhansí Courts' Act, 1867."

Certain rules for administration of Civil Justice in Jhansí Division to cease to have effect.

2. So much of the rules passed by the Government of the North-Western Provinces for the administration of Civil justice within the districts of the Jhansí Division as were continued in force by Act No. XXIV of 1864 (*relating to the administration of certain districts under the Government of the Lieutenant Governor of the North-Western Provinces*), Section 2, shall cease to have effect in the said districts from the 30th June 1867.

Certain rules regarding jurisdiction and procedure of Revenue Officers in Jhansí to cease to have effect.

3. So much of the rules passed by the Government of the North-Western Provinces, relating to the jurisdiction and procedure of Revenue Officers within the districts of the Jhansí Division, and confirmed by the said Act No. XXIV of 1864, Section 1, as directed that suits regarding landed property should be heard by the Revenue Courts, shall cease to have effect in the said districts from the date of this Act coming into operation.

Interpretation clause.

4. In this Act :—

"High Court."

"High Court" means the High Court of Judicature for the North-Western Provinces of the Presidency of Bengal, and "Assistant Commissioner" includes Extra Assistant Commissioner.

"Assistant Commissioner."

"District."

5. For the purposes of this Act, the local jurisdiction of a Deputy Commissioner shall be deemed a District, and the Court of such Deputy Commissioner shall be deemed the District Court. The local jurisdiction of a Commissioner shall, in like manner, be deemed a Division, and his Court a Divisional Court.

"District Court."

"Division."

"Divisional Court."

Grades of Courts in the Jhansí Division.

6. There shall be seven grades of Courts in the Jhansí Division, which shall be in addition to any Courts of Small Causes, and to any other Courts established under any Act which may hereafter be passed, viz. :—

(1.) The Court of the Tahsíldár of the second class.

(2.) The Court of the Tahsíldár of the first class.

(3.) The Court of the Assistant Commissioner of the second class.

(4.) The Court of the Assistant Commissioner of the first class.

(5.) The Court of the Deputy Commissioner.

(6.) The Court of the Commissioner.

(7.) The High Court.

Lieutenant Governor may declare grade to which a Tahsíldár or Assistant Commissioner belongs.

7. The Lieutenant Governor of the North-Western Provinces shall have power to declare to which of the said grades any Tahsíldár and any Assistant Commissioner in the said Division shall belong.

Jurisdiction of Court of Tahsíldár of the second class.

8. The Court of the Tahsíldár of the second class shall have power to try and determine suits of every description in which the subject-matter does not exceed one hundred Rupees in value or amount.

Jurisdiction of Court of Tahsíldár of the first class.

9 The Court of the Tahsíldár of the first class shall have power to try and determine suits of every description in which the subject-matter does not exceed three hundred Rupees in value or amount.

Jurisdiction of Court of Assistant Commissioner of the second class.

10. The Court of the Assistant Commissioner of the second class shall have power to try and determine suits of every description in which the subject-matter does not exceed one thousand Rupees in value or amount.

Jurisdiction of Court of Assistant Commissioner of the first class.

11. The Court of the Assistant Commissioner of the first class shall have power to try and determine suits of every description in which the subject-matter does not exceed five thousand Rupees in value or amount.

Jurisdiction of Court of Deputy Commissioner.

12. The Court of the Deputy Commissioner shall have power to try and determine suits of every description and of any amount, and to hear appeals from the original decisions in suits and (where an appeal is allowed by the Code of Civil Procedure) from the orders of the Courts of the first, second and third grades.

Jurisdiction of Court of Commissioner.

13. The Court of the Commissioner shall have power to hear and determine appeals from the original decisions in suits and (where an appeal is allowed by the Code of Civil Procedure) from the orders of the Courts of the fourth and fifth grades.

Jurisdiction of High Court.

14. The High Court shall have power to hear and determine appeals from the original decisions in suits and (where an appeal is allowed by the Code of Civil Procedure) from the orders of the Commissioner, and also applications for a special appeal as provided in the said Code, from the decisions passed in regular appeal by the Deputy Commissioners and by the Commissioner of the Division.

Time for presenting appeals.

15. The memorandum of appeal prepared in the form, and containing the particulars mentioned in the Code of Civil Procedure, shall be presented in the Court empowered to hear the appeal within the period hereinafter specified, unless the appellant shall show sufficient cause to the satisfaction of such Court for not having presented the memorandum of appeal within the said period; that is to say, thirty days, if the appeal lie to the Deputy Commissioner; six weeks, if the appeal lie to the Commissioner of the Division, and ninety days, if the appeal lie to the High Court. The period shall be reckoned from and exclusive of the day on which the decision or order appealed against was passed, and also exclusive of such time as may be requisite for obtaining a copy of the decree or order from which the appeal is made. Memoranda of special appeal shall be presented in the High Court within the period hereinbefore fixed for appeals.

Lieutenant Governor may invest any one with powers of Commissioner or of Deputy Commissioner.

16. Whenever the state of the public business requires it, the said Lieutenant Governor shall have power to invest any person with the powers of a Commissioner or of a Deputy Commissioner in any part of the Jhansí Division.

Court in which suit shall be instituted.

17. Every suit shall be instituted in the Court of the lowest grade competent to try it: provided that no suit cognizable by a Court of Small Causes shall be heard or determined in any other Court having any jurisdiction within the local limits of the jurisdiction of such Court of Small Causes.

Appeal to lie from all decisions, except when expressly prohibited.

18. Except when otherwise provided in any Regulation or Act for the time being in force, an appeal shall lie from the decisions of the Courts of original jurisdiction to the Courts authorized by this Act to hear appeals from the decisions of those Courts.

Deputy Commissioner may distribute business among subordinate Courts.

19. The Deputy Commissioner may direct the business in the Courts subordinate to him, holding their sittings at the same place, to be distributed among such Courts in such way as he shall think fit. Provided that no Court shall try any suit in which the amount or value of the claim shall exceed its proper jurisdiction.

Transfer of suits from subordinate Court to Commissioner's or Deputy Commissioner's Court.

20. The Commissioner of the Division or the Deputy Commissioner may withdraw any suit instituted in any Court subordinate to him, and try such suit himself or refer it for trial to any other such subordinate Court and competent in respect of the value or amount of the suit to try the same. The Commissioner of the Division may also withdraw any appeal instituted in the Court of any Deputy Commissioner subordinate to him and try the appeal himself or refer it for trial to the Court of any other Deputy Commissioner in his Division.

High Court may transfer suits from one subordinate Court to another.

21. The High Court may order that the cognizance of any suit or appeal which shall be instituted in any Court subordinate to such High Court, not being a Court of Small Causes, shall be transferred to any other such subordinate Court, competent in respect of the value or amount of the subject-matter of the suit or appeal to try the same.

Suits for immoveable property situate in different Districts.

22. If the suit be for any immoveable property situate within the limits of different District Courts within the same Division, the suit may be brought in any Court otherwise competent to try it within the jurisdiction of which any portion of such property is situate; but in such case the Court in which the suit is brought shall apply to the Commissioner of the Division for authority to proceed with the suit; and the Commissioner, after hearing the objections, if any, of the defendant, may give such authority. If the suit is brought in any Court subordinate to the Court of the Deputy Commissioner, the application shall be submitted to the Commissioner of the Division through the Deputy Commissioner to whom such Court is subordinate.

Suits for immoveable property situate in districts subject to different Commissioners.

23. If the District Courts within the limits of whose jurisdiction any immoveable property sued for is situate are subordinate to different Commissioners, application for authority to proceed with the suit shall be made to the Commissioner of the Division to whom the

District Court in which the suit is brought is subordinate, and such Commissioner may, after hearing the objections, if any, of the defendant, give authority to proceed with the suit.

Commencement of Act.

24. This Act shall come into operation on the first day of March 1867.

STATEMENT OF OBJECTS AND REASONS.

This Bill has been prepared at the desire of the Government, and with the approval of the High Court, of the North-Western Provinces; and its object is to extend the jurisdiction of that High Court to the Civil Courts of the Jhansí Division. Suits relating to land in this Division are now heard by the Revenue Courts, and the ultimate appeal from the decisions in such suits lies to the local Board of Revenue. In suits relating to other kinds of property which are heard by the Civil Courts, the order of the Commissioner of the Division is final, it being, however, provided that in any case in which the decisions of the Courts of first instance and of appeal differ, the local Government may refer the proceedings to the High Court for their report and opinion, and thereafter pass such orders as may appear proper. The system here described is legalized and fixed by Section 2 of Act No. XXIV of 1864.

The time has now, in the Lieutenant Governor's opinion, arrived for transferring to the Civil Courts the jurisdiction in suits relating to land, and for subordinating these Courts to the High Court at Agra. As the revision of the settlement of Jhansí is nearly completed and the local rights in land have been defined and recorded, it appears to the Lieutenant Governor that there is no reason for maintaining a system in Jhansí different from that in force throughout the rest of the North-Western Provinces. It is also desirable that the Board of Revenue should be relieved from the anomalous position in which they are now placed, by having to discharge a duty which is foreign to their office, and for the due performance of which they have not the aid of an efficient Bar. Under these circumstances the present Bill has been framed on the model of Act No. XIV of 1865 (The Central Provinces Courts' Act) and defines the jurisdiction of the Courts of Civil Judicature in the Jhansí Division.

H. S. MAINE.

SIMLA,
The 7th November 1866.

WHITLEY STOKES,
Asst. Secy to the Govt. of India,
Home Dept. (Legislative.)

The 3rd December 1866.

The following Bill and Statement of Objects and Reasons accompanying it are published for general information, by order of His Excellency the Governor General, under the 19th of the Rules for the Conduct of Business at Meetings of the Council of the Governor General of India for the purpose of making Laws and Regulations :—

A Bill to amend the Law relating to the custody of prisoners within the local limits of the original jurisdiction of Her Majesty's High Courts of Judicature at Fort William in Bengal, Madras and Bombay.

Preamble.

Whereas it is expedient that, within the local limits of the original jurisdiction of Her Majesty's High Courts of Judicature at Fort William in Bengal, Madras and Bombay, persons should, for the purpose of being received and detained in prison, be committed to the custody of an Officer appointed by the Local Government, instead of to the custody of the Sheriff of Calcutta, Madras or Bombay, as the case may be; It is enacted as follows :—

Interpretation of terms.

1. In this Act :—

"High Court." "High Court" denotes Her Majesty's High Court of Judicature at Fort William in Bengal, Madras or Bombay, as the case may be.

"Sheriff" denotes the Sheriff of Calcutta, Madras or Bombay, as the case may be.

"Magistrate." "Magistrate" includes a Magistrate of Police appointed under Act No. XIII of 1856 *(for regulating the Police of the Towns of Calcutta, Madras and Bombay, and the several Stations of the Settlement of Prince of Wales' Island, Singapore and Malacca).*

Enactments repealed.

2. The eighth Section of Act No. XXIV of 1855 *(to substitute Penal Servitude for the punishment of Transportation in respect of European and American Convicts, and to amend the law relating to the removal of such Convicts)*, the forty-seventh, forty-eighth, forty-ninth, fiftieth, fifty-first and fifty-second Sections of Act No. XVIII of 1862 *(to repeal Act No. XVI of* 1852 *in those parts of British India in which the Indian Penal Code is in force, and to re-enact some of the provisions thereof, with amendments, and further to improve the administration of Criminal Justice in her Majesty's Supreme Courts of Judicature)*, Act No. XXV of 1863 *(to empower Judges of the High Court and other authorities at Fort William in Bengal, to direct convicts to be imprisoned either in the House of Correction or the Great Jail of Calcutta, and to authorize the transfer of prisoners in certain cases from the House of Correction to the Great Jail and from the Great Jail to the House of Correction)*, and Act No. XII of 1865 *(to amend the law relating to the custody of prisoners within the local limits of the original jurisdiction of Her Majesty's High Court of Judi-*

cature at Fort William in Bengal) are hereby repealed.

No one to be committed to Sheriff; And writs not to be issued to Sheriff.

3. No person shall be committed to the Sheriff to be received and detained in prison; and no writ shall be awarded to the Sheriff commanding him to arrest and seize the body of any offender.

Local Government may appoint Superintendent of Presidency Jail.

4. It shall be lawful for the Local Government to appoint an Officer who shall be called in Calcutta the Superintendent of the Presidency Jail, and in Madras and Bombay the Superintendent of Jails for the Town of Madras, or Bombay, as the case may be, and who shall have authority to receive and keep prisoners committed to his custody under the provisions of this Act.

Persons sentenced by High Court to imprisonment or death to be delivered to the Superintendent.

5. Whenever any person shall be sentenced by the High Court in the exercise of its original Criminal jurisdiction to imprisonment or to death, the Court shall cause such person to be delivered to the said Superintendent, together with the warrant of the said Court, and such warrant shall be executed by such Superintendent and returned by him to the High Court when executed.

Persons sentenced by High Court to transportation or penal servitude to be delivered for intermediate custody to Superintendent.

6. Whenever any person shall be sentenced by the High Court in the exercise of its original Criminal jurisdiction to transportation or penal servitude, the Court shall cause such person to be delivered for intermediate custody to the said Superintendent, and the imprisonment of such person shall have effect from such delivery.

Persons sentenced by Magistrate to imprisonment, or imprisoned for non-payment of fine to be delivered to Superintendent with a warrant.

7. Whenever any person shall be sentenced by a Magistrate of Police for the Town of Calcutta, Madras or Bombay, to imprisonment, either absolutely or for default of payment of any fine imposed by any such Magistrate, or shall be committed to prison for failure to find security to keep the peace and to be of good behaviour, the Magistrate shall cause such person to be delivered to the said Superintendent together with a warrant of the Court.

Superintendent to detain such persons according to exigency of warrant, and to return same when executed.

8. The said Superintendent shall detain the person so delivered to him according to the exigency of such warrant, and shall return the warrant when executed to the Court whence it issued.

Persons committed by Justice or Magistrate for trial by High Court to be delivered to Superintendent with warrant.

9. Persons committed by a Justice of the Peace or Magistrate for trial by the High Court in the exercise of its original Criminal jurisdiction, shall be delivered to the said Superintendent together with a warrant of commitment, directing him to have the bodies of such persons before the Court for trial at the Sessions of the Court next ensuing after the date of such commitment.

Persons arrested in pursuance of warrant of High Court or Small Cause Court to be delivered to Superintendent.

10. Every person arrested in pursuance of a warrant or order of the High Court in the exercise of its original Civil jurisdiction, or in pursuance of a warrant of any Court established in Calcutta, Madras or Bombay under Act No. IX of 1850 *(for the more easy recovery of small debts and demands in Calcutta, Madras and Bombay)*, shall be brought before the Court by which the warrant or order was issued or made, and shall then, subject to the procedure which may from time to time be in force in such Court, be delivered by the proper Officer of the Court executing such warrant, together with a copy of such warrant, to the said Superintendent; and the Officer executing such warrant shall thenceforward be absolved from responsibility for the custody of the person so delivered.

Superintendent to detain such persons according to exigency of warrant.

11. The said Superintendent shall detain the person delivered to him by the Officer of the Court in manner aforesaid, according to the exigency of the warrant, and return the same to the said Officer of the Court as soon as the terms of the said warrant shall have been complied with.

Persons confined in Great Jail of Calcutta or Jails of Madras or Bombay shall be deemed to be in custody of Superintendent.

12. All persons confined in the Great Jail of Calcutta, or in any of the Jails of the Towns of Madras or Bombay under process or sentence of any of Her Majesty's late Supreme Courts of Judicature, or of the High Courts, or of any Magistrate, shall be considered to be and shall remain in the custody of the said Superintendent according to the terms of the warrants under which they shall have been respectively committed to custody.

Warrant under Regulation III of 1818, Bengal Code, Regulation II of 1819, Madras Code, and Regulation XXV of 1827, Bombay Code, may be directed to Superintendent.

13. Any warrant of commitment under Regulation III of 1818 of the Bengal Code *(for the confinement of State Prisoners)*, Regulation II of 1819 of the Madras Code *(for the confinement of State Prisoners)*, and Regulation XXV of 1827 of the Bombay Code *(for the confinement of State Prisoners and for the attachment of the lands of chieftains and others, for reasons of State)*, may be directed to the said Superintendent in the same manner as the same might have been directed to the Sheriff under Act No. XXXIV of 1850 *(for the better custody of State Prisoners)* and Act No. III of 1858 *(to amend the law relating to the arrest and detention of State Prisoners)*.

Provisions of Statute 11 Vic., cap. 21, as to prisoners, to extend to persons in custody of Superintendent.

14. The provisions contained in the Statute 11 Vic., cap. 21 *(to consolidate and amend the laws relating to Insolvent Debtors in India)*, relating to persons in prison or liable to be arrested or detained in or remanded or re-committed to, or entitled to be discharged from, prison

within the limits of the Towns of Calcutta, Madras and Bombay respectively, shall apply to all persons in the custody of the said Superintendent, or liable to be delivered to or entitled to be discharged from his custody.

Construction of Section 25 of Act No. XLVIII of 1860.

15. Section 25 of Act No. XLVIII of 1860 *(to amend Act No. XIII of 1856, for regulating the Police of the Towns of Calcutta, Madras and Bombay, and the several Stations of the Settlement of Prince of Wales' Island, Singapore and Malacca)*, shall be construed in Calcutta as if the words "Superintendent of the Presidency Jail" and in Madras and Bombay as if the words "Superintendent of Jails for the Town of Madras" or "Bombay," as the case may be, were substituted for the words "Keeper or Governor of the Jail or House of Correction."

Commencement of Act.

Short title.

16. This Act shall come into operation in Calcutta at once, and in Madras and Bombay respectively from such date as the Local Government shall notify in the local *Gazette*, and it may be called "The Presidency Jails' Act, 1867."

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to amend the law relating to the custody of prisoners within the local limits of the original jurisdiction of the three Presidency Town High Courts. It is a transcript of Act No. XII of 1865, with the alterations and additions necessary to render the measure applicable not only to Calcutta, but to Madras and Bombay; and the reasons for passing that Act may be referred to as justifying the present Bill.

The fact that, both in Bombay and Madras there are two Presidency Jails, has given rise to a doubt whether an extension of Act No. XII of 1865, which only contemplates a single Jail, by a notification under Section 16 of that Act, would meet the need of the case. The present Bill has been framed so as to preclude the doubt referred to.

H. S. MAINE.

SIMLA,
The 12th November 1866.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

CORRIGENDUM.

In the Indian Shipping Bill published in the *Gazette of India* for 6th, 13th and 20th October 1866,

Section 113, *for* "Act No. XX of 1841," *read* "Act No. XXVII of 1860."

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

HOME DEPARTMENT.

NOTIFICATIONS.

Fort William, the 1st December 1866.

No. 967.

Mr. J. Geoghegan, of the Civil Service, is permitted to proceed to Europe on furlough for a period of one year from the date of embarkation.

ARTHUR HOWELL,
Under Secy.,
For Secy. to the Govt. of India.

The 3rd December 1866.

No. 984.

His Excellency the Viceroy and Governor General, under the authority vested in him by Act 24 and 25 Vic., Cap. 67, Section 10, is pleased to nominate Charles Parry Hobhouse, Esq., of the Bengal Civil Service, to be an Additional Member of the Council of the Governor General for the purpose of making Laws and Regulations only.

The 4th December 1866.

No. 1004.

Extract from the Proceedings of the Government of India, in the Home Department (Public).

Read again the correspondence relating to the Famine in Orissa and other parts of the Bengal Presidency:—

1.	Revenue Proceedings, January 1866, No. 1.				
2.	Public	"	June	"	Nos. 13 and 14.
3.	"	"	July	"	Nos. 1 to 15; Nos. 19 to 25; Nos. 67 to 73.
4.	"	"	August	"	No. 8; Nos. 31A and 31B; Nos. 72 to 83.
5.	"	"	Sept.	"	Nos. 70 to 84; Nos. 102 to 106.
6.	"	"	October	"	Nos. 8 to 19; Nos. 46 to 48; No. 56; Nos. 73 to 79A; Nos. 94 to 102; Nos. 137 to 151.
7.	"	"	Nov.	"	Nos. 9 to 11
8.	Endorsement from Bengal, No. 2811, dated 31st October 1866.				
9.	"	"	"	2825, "	1st November 1866.
10.	"	"	"	2845, "	13th "
11.	"	"	"	2866, "	5th "

Read also the following Despatches from the Secretary of State:—

1.	Public, No. 61, dated 16th July 1866.				
2.	"	"	67, "	16th August 1866.	
3.	"	"	85, "	9th October 1866.	

Read a Minute by the Governor General, dated Agra, the 20th November 1866.

RESOLUTION.—It has for some time past been the intention of the Governor General in Council to cause enquiry to be made for the purpose of eliciting full information concerning the Famine which has unhappily recently visited, with such lamentable severity, the Province of Orissa and other portions of the Lieutenant Governorship of Bengal.

2. It could have served no useful purpose, and it might have been attended with inconvenience and injury, to cause such enquiry to be made prematurely.

3. Whilst the distress was at its height, the time and energy of the Officers of the Local Administration might, with much greater advantage, be engaged in exertions to relieve it, and the season of the year and the situation of Orissa, where the famine was specially sore, rendered it advisable that such enquiry should not be too early set on foot.

4. When, however, accounts from the afflicted districts showed that in some parts a decided improvement had taken place, and hopeful signs of the abatement of the distress generally appeared, His Excellency the Governor General desired the Lieutenant Governor of Bengal to appoint Mr. H. L. Dampier to make an enquiry and report of the nature above indicated.

5. Mr. Dampier is an Officer whom His Excellency had reason to believe to be well qualified to conduct the enquiry above mentioned, and the Lieutenant Governor of Bengal quite concurred in his fitness for such duty. Mr. Dampier was accordingly immediately appointed by the Lieutenant Governor, from whom also he promptly received the fullest instructions.

6. A despatch has since been received from the Secretary of State, in which the deputation of an Officer on an enquiry of precisely the same nature as that which has been entrusted to Mr. Dampier is urged. The tenor of this despatch, and the general feeling which appears to prevail in England on the subject of the Famine in Orissa, render necessary, however, a change in the constitution of the Commission of Enquiry.

7. It is evident, as is indeed natural, that the accounts which have reached England from this country respecting the distress occasioned by the Famine, have produced in England an intense and painful anxiety amongst the large class of benevolent persons interested in the people of India.

8. A feeling of uncertainty as to the actual facts appears simultaneously to have taken possession of the public mind, whilst statements have been freely and publicly made attributing to officials in India a want of attention to the requirements of the occasion.

9. It is right, therefore, not less in justice to the officials concerned than for the satisfaction of the public, that steps should be speedily taken to remove such uncertainty, and to verify or correct such statements in as thorough a manner as practicable.

10. On a full consideration of the subject, the Governor General in Council is satisfied that the objects which such an enquiry has in view will best be attained by a Commission composed of three Officers.

11. His Excellency in Council considers that the Officer already selected to conduct the enquiry in question may with advantage be retained as one of the Commission.

12. The Commission will be composed as follows:—

President:
The Hon'ble Mr. Justice Campbell.
Members:
Colonel Morton, Royal Engineers.
Mr. H. L. Dampier, Civil Service.

13. Briefly, the duty of the Commission will be to enquire carefully and to report clearly its opinion on the following points:—

(I).—What were the causes which led to the scarcity and famine.

(II).—Whether timely and sufficient measures were taken to meet the evil, and to relieve the distressed, and if not, whether valid reasons exist to account for the absence of such measures; and

(III).—In what way, if any, action may be taken by the Government to prevent the recurrence of a similar visitation, or to mitigate its effects, should it recur.

14. The instructions already issued to Mr. Dampier, as contained in the communication from the Government of Bengal, No. 2866, dated the 5th November, appear to the Governor General in Council to be very full and suitable, and of a character such as may generally guide the Commission in its investigations, though they should not be held to confine the Commission literally to the limits laid down.

15. There are districts under the Local Government which have suffered from scarcity, but which have been excluded from enquiry under the instructions issued by Sir Cecil Beadon to Mr. Dampier.

16. As regards these (the Behar Districts), the Lieutenant Governor has deputed a separate Officer to make enquiry.

17. The distress in Behar has not, the Governor General in Council believes, approached in severity or extent that which prevailed in Orissa and elsewhere in the neighbourhood of Calcutta.

18. The circumstances, too, of Behar differ entirely from those of Orissa, whilst the field of enquiry indicated in the Lieutenant Governor's instructions to Mr. Dampier is already sufficiently extensive.

19. It appears to His Excellency in Council, therefore, that a separate Officer may unobjectionably make enquiry into the scarcity in Behar.

The 6th December 1866.

No. 1083.

His Excellency the Viceroy and Governor General, under authority vested in him by Act 24 and 25 Vic., Cap. 67, Section 10, is pleased to nominate John Skinner, Esquire, of the firm of Jardine, Skinner and Co., to be an Additional Member of the Council of the Governor General for the purpose of making Laws and Regulations.

No. 1089.

The under-mentioned Specifications of Inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India, in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every Specification is open, at all reasonable hours, at the Office of the Secretary to the Government of India, in the Home Department, to public inspection, upon payment of fee of one Rupee. A certified copy of any Specification will be given to any person requiring the same on payment of the expense of copying.:—

No. 303.—Mr. James Templeton Wood, of Inner Temple, London, Barrister-at-Law, for improvements in the means of and apparatus for compressing and packing Cotton, Wool, Jute, and other similar bulky articles.

No. 317.—Mr. F. Saintyves, Artiste Mecanicien, No. 61, Cossitollah, and Mr. P. W. Fleury, No. 17, Joratallao Street, of the Firm of Messrs. Fleury, Rostan, and Co., Builders and Mechanical Engineers, of No. 9, Cossitollah Street, for improvements in the motive power of F. Saintyves' Punkah-pulling Machines.

No. 1090.

The Reverend A. D. Nicolson, Junior Chaplain, succeeded to the grade of Senior Chaplain from the 24th May last, the date of the retirement of the Reverend Julian Robinson.

No. 1092.

Appointment.—The Reverend M. D. C. Walters, Junior Chaplain, to be Senior Chaplain from the 16th November 1866, *vice* the Reverend A. D. Nicolson deceased.

The 7th December 1866.

No. 1108.

The appointment of Lieutenant R. C. Evanson (in Government Notification No. 1007, dated 18th May 1866), to officiate as an Assistant Superintendent of Police in British Burmah, is hereby cancelled at that Officer's request.

No. 1111.

The Governor General in Council is pleased to permit the Reverend H. Tuson, who has completed a service of seventeen years and upwards as a Chaplain on the Bengal Establishment, to retire from the service from the date of his embarkation.

No. 1112.

The Governor General in Council has been pleased to promote Junior Chaplain the Reverend J. K. Stuart, to be Senior Chaplain, from the date of embarkation for Europe of the Reverend H. Tuson.

No. 1114.

Lieutenant Colonel E. M. Ryan, Town Magistrate of Rangoon, made over charge of the Town Magistracy, on the afternoon of the 13th November 1866, to Lieutenant G. A. Strover, Cantonment Magistrate.

No. 1116.

The Governor General in Council is pleased to permit the Reverend T. C. Smyth, D. D., who has completed a service of fifteen years as Chaplain on the Bengal Ecclesiastical Establishment, to retire from the service from the date of his embarkation.

No. 1119.

Surgeon W. White, M. D., F. R. C. S., is appointed to the Civil Medical charge of Akyab in British Burmah.

No. 1121.

Mr. W. H. McGowan, Post Master of Calcutta, received charge of his Office from Mr. E. R. Douglas, Officiating Post Master, on the forenoon of the 1st October 1866.

No. 1138.

Appointment.—Doctor K. N. Macdonald to be Civil Surgeon of Prome in British Burmah.

No. 1141.

His Excellency the Governor General in Council has been pleased to make the following appointments in the Marine Department, with effect from the dates mentioned, *viz* :—

Captain. T. M. Philbrick to be 1st Assistant Master Attendant, with effect from the 14th May 1866.

Captain S. G. Boon, 2nd Assistant Master Attendant and Agent for Transports, to officiate as Superintendent of the Government Dockyard at Kidderpore, with effect from the 4th April 1866.

Captain A. Baker, 3rd Assistant Master Attendant, and Agent for Government Consignments, to officiate as 2nd Assistant Master Attendant, with effect from the 4th April, and also to officiate as Agent for Transports from the 2nd June last.

Lieutenant G. C. Sconce officiated as Agent for Transports from the 4th April to the 1st June 1866.

Captain E. J. Butler to officiate as 3rd Assistant Master Attendant and Agent for Government Consignments, with effect from the 5th May 1866.

No. 1143.

The following Officers in Oude are invested with the Magisterial powers specified opposite their names :—

Subordinate Magistrate of the 1st Class, as described in Section 22, Act XXV of 1861.	Mr. W. Blennerhasset, C. S., Assistant Commissioner, Fyzabad. Kanowjie Lall, Tehseeldar of Oonao. Moonshee Ali Bux, Tehseeldar of Poorwah, Zillah Oonao. Moonshee Dya Shunkur, Tehseeldar of Suffeepoor, Zillah Oonao. Moonshee Ram Chunder, Tehseeldar of Fyzabad. Moonshee Debi Dyal, Tehseeldar of Utrowlah, Zillah Gondah. Moonshee Hurdial Singh, Tehseeldar of Turrufgunge, Zillah Gondah.
Subordinate Magistrate of the 2nd Class, as described in Section 22, Act XXV of 1861.	Luchmunpershad, Tehseeldar of Koorsee, Zillah Lucknow. Nawab Hamid Hosein Khan, Tehseeldar of Nawabgunge, Zillah Oonao.

No. 1146.

His Excellency the Viceroy and Governor General, under the authority vested in him by Act 24 and 25 Vic., Cap. 67, Section 10, is pleased to nominate David Cowie, Esquire, to be an Additional Member of the Council of the Governor General for the purpose of making Laws and Regulations.

E. C. BAYLEY,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

Fort William, the 3rd December 1866.

GENERAL.

No. 1810.

Leave.—Captain C. P. Hildebrand, Officiating Secretary to the Chief Commissioner of British Burmah, is granted privilege leave for thirteen days.

No. 1812.

Captain H. A. Browne, Deputy Commissioner, 3rd Grade, British Burmah, is granted preparatory leave for one month, in order to appear before a Medical Board at Calcutta.

No. 1814.

Privilege leave for one month has been granted to Captain H. E. Mottet, Assistant Superintendent, 2nd Class, in the Mysore Commission.

No. 1816.

Mohamed Boodun, Extra Assistant Commissioner, Bhundara District, Central Provinces, has obtained three months' privilege leave.

No. 1818.

Lieutenant C. S. Blair, Assistant Superintendent in Mysore, has obtained one month's privilege leave.

No. 1820.

Moonshee Huzaree Lall, Extra Assistant Commissioner of Roy Bareilly, in Oudh, has obtained one month's privilege leave.

No. 1822.

Appointment.—Mr. T. O. Wilkinson, C. S., is appointed to be an Assistant Commissioner in the Punjab.

The 6th December 1866.

No. 1835.

Leave.—Sheopershaud, Extra Assistant Commissioner Settlement Department, Oudh, is granted privilege leave for fifteen days.

No. 1837.

Mr. W. Hutton, Extra Assistant Commissioner in Oudh, is granted privilege leave for three months.

The 7th December 1866.

No. 1846.

Notification.—With reference to G. O. No. 1802 dated 30th ultimo, Mr. H. LePoer Wynne assumed charge of the office of Under-Secretary in the Foreign Department on that date.

J. W. S. WYLLIE,
Offg. Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

NOTIFICATIONS.

Fort William, the 6th December 1866.

No. 2113.

Mr. H. A. Mangles, Accountant General, British Burmah, is allowed two months' privilege leave, commencing from the 18th January next, or from the date on which he may avail himself of it.

Mr. C. R. Kiernander to officiate in the 4th Class as Deputy Accountant General, British Burmah, during the absence of Mr. Mangles on leave.

No. 2201.

Lieutenant J. C. Berkeley, 2nd Assistant Agent, Governor General, for Central India, officiated as Deputy Opium Agent in Malwa from 15th to 30th June 1866 (both days inclusive), and re-assumed charge of the said Office from Captain Mayne, Officiating 1st Assistant, on the 29th September 1866.

The 7th December 1866.

No. 2210.

Letter from the Comptroller General of Accounts, to the Secretary to the Government of India, Financial Department,—No. 839, dated 20th November 1866

With reference to the Orders of the Government of India in the Financial Department, No. 167, dated 25th April last, I have the honor to submit a Statement showing on one side the gross sale proceeds of Waste Lands and redemption of Land Revenue, &c., from 17th October 1861 to 31st April 1865, and on the other the investments made therefrom on account of the several Governments and Provinces.

2. Since the date of my letter No. 1338, dated 28th March 1866, the Accountants General of Madras and the Punjab have notified certain corrections in the Statements of sale proceeds of Waste Lands previously furnished by them, which has reduced the total sale proceeds formerly reported to Government, to Rs. 13,12,712-4-11, as shown in the margin.

		Rs.	A	P
Amount of sale proceeds as reported in letter No 1338, dated 28th March 1866 ...		13,12,076	4	11
Deduct error in the Madras Statement	215 0 0			
Ditto Punjab ditto	49 0 0			
		264	0	0
Total, Rs		13,12,712	4	11

3. From the particulars annexed it will be seen that the result of the investments is a net unappropriated balance of Rs. 996-9-2, which will be invested with the collections of 1865-66. In some instances the cost of the Government Securities exceeds the actual proceeds, and this has been caused by the necessity of investing in even hundreds. The excess will, however, be recovered from the realizations of the year 1865-66.

	Surplus. Rs.	A	P.	*Deficit.* Rs	A.	P.
Coorg ..	434	13	0			
Oude .	...			49	4	8
Central Provinces	33	0	0			
B Burmah ...				6	7	0
Bengal	5	9	11			
N W. Provinces	...			51	6	10
Punjab ...	...			39	12	0
Madras ...				179	2	8
Bombay ...	849	3	0			
Total, Rs.	1,322	9	11	326	0	9
Net Surplus, Rs.				996	9	2

4. I beg also to state that the unauthorized investment of Rs. 12,998-2-6 at Bombay subsequent to the report submitted by me to Government, and the non-receipt of the amount, Rs. 434-13-0, stated to be available at Coorg, has left undisposed of in my hands a 4 per cent. Government Security for Rs. 16,300, which will be transferred to the investment account of the year 1865-66, for which Returns of sale proceeds of Waste Lands are being received in this Office, from the several Accountants General.

Statement of Sale proceeds of Waste Lands, &c., from 17th October 1861 to 30th April 1865, and the investments made therefrom.

Governments and Provinces.	Government Securities standing in the names of what Officers.	Nominal value of Papers.	Actual value of Papers.	Remarks.
Govt. of India—				
Coorg	Secy. to Govt. of India, Foreign Dept.; Comptr. Genl. of Accounts ...	8,000	7,121 0 0	
Oude	Chief Commr., Oude, and Accountant Genl., N. W. P.	2,11,300	1,84,888 8 0	
C. Provinces	Chief Commr., C. Provs.; Dy. Acctt. Genl., C. Provs.	19,100	17,187 0 0	
B Burmah	Chief Commr., British Burmah; Accountant General, British Burmah ..	2,800	2,451 0 0	
Bengal ...	Secy. to Govt. of Bengal; Accountant Genl., Bengal	8,47,600	7,91,743 8 0	
N. W. Provinces	Secy. to Govt. of N. W. P.; Acctt. Genl., N. W. P.	83,900	73,413 8 0	
Punjab ...	Secy. to Govt. of Punjab; Accountant Genl., Punjab	1,05,100	91,963 8 0	
Madras ...	Secy. to Govt. of Madras; Accountant Genl., Madras	1,33,700	1,16,988 8 0	
Bombay & Sind...	Secy. to Govt. of Bombay; Accountant Genl., Bombay	28,000	25,959 3 9	
		14,39,800	13,11,715 11 9	

Governments and Provinces.	Sale proceeds of Waste Lands, &c.	Redemption of Land Revenue, &c.	Total.	Remarks.
Govt. of India—				
Coorg ...	...	7,555 13 0	7,555 13 0	
Oude ...	1,75,228 8 6	9,610 10 10	1,84,839 3 4	
C. Provinces	16,251 0 0	969 0 0	17,220 0 0	
B. Burmah	2,444 9 0	..	2,444 9 0	
Bengal ...	5,55,702 3 4	2,36,046 14 7	7,91,749 1 11	
N. W. Provinces	40,869 2 7	32,492 14 7	73,362 1 2	
Punjab ...	70,814 11 0	21,109 1 0	91,923 12 0	
Madras ...	98,048 5 7	18,761 0 2	1,16,809 5 9	
Bombay & Sind ..	3,734 14 0	23,073 8 9	26,808 6 9	
	9,63,093 6 0	3,49,618 14 11	13,12,712 4 11	

Office of Comptr. Genl. of Accounts;
Central Accounts Branch,
Calcutta, the 20th November 1866.

(Signed) R. P. HARRISON,
Comptroller General of Accounts.

Ordered, that the foregoing letter, with the Statement, be published in the *Gazette of India* for general information.

No. 2212.

Mr. H. Ronaldson is appointed an Assistant in the 5th Class of the Financial Department, and posted to the Office of the Accountant General, Bengal, in the room of Baboo Russick Lall Ghose, deceased.

E. H. LUSHINGTON,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 3rd December 1866.

No. 1007 *of* 1866.—The services of Surgeon W. White, M. D., F. R. C. S., in medical charge of the 34th (The Futtehgurh) Regiment Native Infantry, are placed at the disposal of the Home Department.

No. 1008 of 1866.—The services of Assistant Surgeon L. H. Lees, M. D., Civil Assistant Surgeon of Akyab, are, at his own request, placed at the disposal of His Excellency the Commander-in-Chief.

No. 1009 *of* 1866.—With the view of encouraging the study of the Native Languages, it is hereby notified, for general information, that extended periods of leave to visit the Presidency, without loss of service, will be granted under the following conditions to Officers of the Army who pass successful examinations in the tests prescribed in Government General Order No. 734 of 1864 :—

1*st.*—Officers who pass an examination according to the second standard will be allowed to reckon as duty the period of their absence to the extent of (6) six months.

2*nd.*—To Officers who pass a successful examination in the languages defined in Rule VIII of the Government General Order quoted above, a further period of six months' leave will be granted without loss of service.

3*rd.*—Candidates who may obtain certificates of High Proficiency, under the operation of Rule XII, will be allowed leave of absence to the extent of 18 months in the aggregate.

4*th.*—And candidates who obtain Degrees of Honor, under the terms prescribed in Rule XV, shall be permitted to reckon as service the period of their absence to the extent of two years.

2. To insure, however, that the time of the candidates is not misapplied, it must be clearly understood that they shall pass successful examinations according to the different tests within the prescribed periods.

3. The foregoing rules are to be in supersession of all previous regulations on this subject.

No. 1010 *of* 1866.—The services of Surgeon J. Picthall, M. D., are placed temporarily at the disposal of the Government of Bengal, with effect from the 22nd November 1866.

The 4th December 1866.

No. 1011 *of* 1866.—Jemadar Chuttoo Pandey, of the 42nd (Assam) Light Infantry, is permitted to resign the service from the date of publication of this order at the Head Quarters of the Corps.

No. 1012 *of* 1866.—Conductor Edward Skiddy, of the Barrack Department, is permitted to retire from the service on the pension of his rank, with permission to reside and draw his stipend in India.

No. 1013 *of* 1866.—The under-mentioned Officer is admitted to the Bengal Staff Corps, with effect from the date specified opposite to his name, subject to the confirmation of the Right Hon'ble the Secretary of State for India :—

Lieutenant John Alexander Temple, of the General List, Infantry, Assistant Commissioner, 2nd Class, Saugor.	15th Sept. 1866.

No. 1014 *of* 1866.—His Excellency the Governor General in Council is pleased to publish the following letter from the Right Hon'ble the Secretary of State for India, No. 78, dated 17th October 1866 :—

POLITICAL. INDIA OFFICE;

No. 78. *London, 17th October* 1866.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—I have considered in Council the letter of your Excellency's Goverment, No. 115 of the 17th of May, in the Military Department, recommending that the 3rd and 5th Regiments of Infantry, Hyderabad Contingent, may be allowed to bear on their colors the words "Central India," in consideration of their services in the campaign of 1857-58 under Sir H. Rose.

2. Her Majesty's Government willingly sanction this recommendation, on the presumption that this distinction will be gratifying to His Highness the Nizam, as well as to the officers and men of the Regiments.

I have, &c.,
(Signed) CRANBORNE.

No. 1015 *of* 1866.—The Head Quarters of Her Majesty's 1st Battalion 3rd Foot, arrived in the Ship "Nile," is brought on the Establishment of the Bengal Presidency from date of landing.

No. 1016 *of* 1866.—The following orders, issued by the Government of Bombay, are confirmed :—

Granting leave of absence to Europe on medical certificate to the under-mentioned Officers—

No. 644, *dated* 20*th November* 1866.—Assistant Surgeon F. S. Sillifant, of the Medical Department, in medical charge of the 21st (Punjab) Regiment Native Infantry.	For 18 months, under the new Rules.

No. 651, *dated* 21*st November* 1866.—Major C. J. Godby, of the Bengal Staff Corps, Commandant, 4th Punjab Cavalry.	For 15 months.
Lieutenant C. McK. Hall, of the General List, Infantry, Adjutant, 5th Punjab Infantry.	For 18 months, under the new Rules.

No. 1017 *of* 1866.—The services of Lieutenant J. Hill, of the Royal Engineers, are placed at the disposal of the Home Department.

No. 1018 *of* 1866.—With reference to Government General Orders Nos. 497 of the 4th June 1861 and 1060 of 1864, the following paragraphs, 5 and 6 of a Military letter from the Right Hon'ble the Secretary of State for India, No. 179, dated the 27th September 1866, are published for general information :—

Para. 5.—I have to inform you that I have decided that a Deputy Inspector General of Hospitals of the Indian Medical Service, above the age of 55, who, from ill health, may be unable to complete the five years' service required to entitle him to the annuity* in addition to the ordinary retiring pension, shall be entitled (in common with other Medical Officers, who, having attained the age of 55 years, may not be able to obtain the certificate of competency), to retire on the next higher rate of pension to that to which his length of service entitles him, provided that he be not already entitled to retire on the higher rate, viz., £700 a year.

* £250, paras. 36, 37 of Despatch No. 340, 7th November 1864.

6. This concession only applies to those Medical Officers of the Indian Service who entered the service before the promulgation† of the Royal Warrant of 13th January 1860.

† G. O. No. 353, 30th March 1860.

No. 1019 *of* 1866.—*Erratum.*—In Government General Order No. 814 of the 27th September 1866, notifying the return to duty of certain Officers, for "Captain A. G. Duffy," read Captain A. G. *Duff.*

Order Books to be corrected accordingly.

No. 1020 *of* 1866.—The services of the undermentioned Officers are placed temporarily at the disposal of the Foreign Department, with effect from the 13th November 1866 :—

Lieutenant H. M. S. Magrath, of the 39th Madras Native Infantry, Quarter Master of the 25th Madras Native Infantry.

Lieutenant J. T. McGoun, of the Madras Staff Corps.

The 5th December 1866.

No. 1021 *of* 1866.—The following extracts from the "London Gazettes" of the 7th September 1866, page 4918, 17th September 1866, pages 4981 and 4982, and 2nd October 1866, page 5292, are published for general information :—

War Office, September 7th 1866.

The Queen has been graciously pleased to give orders for the appointment of Major James Augustus Grant, of the Bengal Army, to be an Ordinary Member of the Civil Division of the Third Class, or Companions of the Most Honourable Order of the Bath.

India Office, 10th September 1866.

Her Majesty has been pleased to approve of the following promotions and alterations of rank amongst the Officers of Her Majesty's Indian Military Forces :—

BREVET.

BENGAL ARMY.

To be Lieutenant Colonels.

Major Charles Need, late 6th European Regiment.

Major Archibald Oliver Wood, late 14th Native Infantry.

Major Charles Curtis Drury, late 34th Native Infantry.

To be Majors.

Captain William Munnings Lees, Staff Corps. Dated 14th April 1866.

Captain Francis Dashwood Ogilvie, late 46th Native Infantry. Dated 20th April 1866.

To be Captains.

Lieutenant Thomas Nicholls Walker, late 2nd European Regiment. Dated 14th March 1866.

Lieutenant Wynyard Battye, late 65th Native Infantry. Dated 4th April 1866.

Lieutenant Charles Metcalfe Bushby, late 70th Native Infantry. Dated 4th April 1866.

MADRAS ARMY.

To be Colonels.

Lieutenant Colonel Colin Mackenzie, Staff Corps. Dated 18th February 1866.

Lieutenant Colonel Crawford Cooke, Staff Corps. Dated 18th February 1866.

Lieutenant Colonel Edward Arthur Henry Webb, Staff Corps. Dated 18th February 1866.

To be Major.

Captain John Robert Fairlie, late 6th Light Cavalry. Dated 20th April 1866.

BOMBAY ARMY.

To be Colonels.

Lieutenant Colonel William Broom Salmon, Staff Corps. Dated 18th February 1866.

Lieutenant Colonel Thomas Stock, Staff Corps. Dated 18th February 1866.

Lieutenant Colonel Henry Torrens Vincent, Staff Corps. Dated 18th February 1866.

To be Majors.

Captain George Frederick Hayward, 17th Native Infantry. Dated 12th June 1866.

Captain Charles William Wahab, 14th Native Infantry. Dated 13th June 1866.

Captain Edward Macalister Gilbert Cooper, 13th Native Infantry. Dated 13th June 1866.

To be Captain.

Lieutenant Lewis George Brown, 5th Native Infantry. Dated 9th June 1866.

Alterations of Rank.

Lieutenant Colonel Henry Mein Wilson, Bengal Staff Corps, to take rank from 17th August 1864.

Lieutenant Colonel Octavius Hamilton, Bengal Staff Corps, to take rank from 21st October 1864.

Lieutenant Colonel Octavius Edward Rothney, Bengal Staff Corps, to take rank from 8th January 1865.

Lieutenant Colonel William Joseph Fitzmaurice Stafford, Bengal Staff Corps, to take rank from 24th January 1865.

Lieutenant Colonel Charles Terrington Aitchison, Bombay Staff Corps, to take rank from 12th March 1865.

Lieutenant Colonel Edward Penfold Arthur, Bombay Staff Corps, to take rank from 28th March 1865.

Lieutenant Colonel Henry Le Poer Trench, Bengal Infantry, to take rank from 29th March 1865.

Lieutenant Colonel George Whittle Mackenzie Hall, Bengal Staff Corps, to take rank from 9th April 1865.

Lieutenant Colonel James Alphonse Collier, Bombay Staff Corps, to take rank from 5th June 1865.

Lieutenant Colonel Henry Murray Garstin, Bengal Staff Corps, to take rank from 13th June 1865.

Lieutenant Colonel Malcolm Scrimshire Green, C. B., Bombay Staff Corps, to take rank from 23rd July 1865.

Lieutenant Colonel Henry Francis Maxwell Boisragon, Bengal Staff Corps, to take rank from 2nd August 1865.

Lieutenant Colonel Charles Henry Barchard, C. B., Bengal Infantry, to take rank from 22nd August 1865.

Lieutenant Colonel Thomas Edward Kennion, Royal Artillery, to take rank from 12th October 1865.

Lieutenant Colonel William Carmichael Russell, Royal Artillery, to take rank from 20th November 1865.

Lieutenant Colonel Thomas Harmer Sibley, Bengal Staff Corps, to take rank from 20th December 1865.

Lieutenant Colonel John Joseph Laurie, Bombay Infantry, to take rank from 21st December 1865.

BENGAL STAFF CORPS.

ADMISSION.

To be Lieutenant.

Lieutenant Thomas Shepherd, 20th Hussars. Dated 15th November 1864.

PROMOTIONS.

To be Majors.

Captain Alexander Hervey Blackwood Bruce. Dated 20th April 1866.

Captain William Thomas McGrigor. Dated 28th April 1866.

Captain Richard Barter. Dated 28th April 1866.

Captain Andrew Aldcorn Munro. Dated 5th May 1866.

To be Captains.

Lieutenant Thomas Cadell, V. C. Dated 17th April 1866.

Lieutenant Henry Wilson Gordon. Dated 6th May 1866.

BENGAL ARMY.

MEDICAL OFFICERS.

To be Surgeons Major.

Surgeon Herbert Baillie, M. D., F. R. C. S. Dated 20th April 1866.

Surgeon Donald McDonald, M. D. Dated 20th April 1866.

Brevet.

Lieutenant Colonel and Brevet Colonel John Coussmaker Heath, of the Bombay Army, to have the local rank of Major General while serving on the Divisional Staff in the East Indies. Dated 2nd October 1866.

Captain Frederick Macdonald Birch, of the Bengal Staff Corps, to be Major. Dated 5th April 1866.

No 1022 *of* 1866.—Agreeably to G. G. O. No. 94, dated 1st May 1837, the under-mentioned widow is admitted to pension equal to that conferred by the 3rd Class Order of Merit on her late husband for three years commencing from the date of the Casualty :—

Name of Claimant.	Age.		Height.		Caste.	Personal appearance and particular marks.	Village and District.	Nature of relationship to the deceased.	Description of the deceased relation on whose account claims are made.			Date of Admission.	Date of Committee's Proceedings.	Amount of Pension.	For what period.	By what Pension Pay Master payable.
	Years.	Months.	Feet.	Inches.					Name.	Rank.	Last Corps.					
Ameer Bagum ...	38	...	4	11½	Mahomedan, Pharreewan.	Fair, has Indian ink spots, one on right cheek, one between the eyebrows, and one on chin.	City of Peshawur.	Widow.	Mahomed Hossein Khan.	Duffadar.	Cavalry of the Corps of Guides.	2nd September 1865.	10th September 1866.	...	Three years.	Meerut.

No 1023 *of* 1866.—The under-mentioned men, declared unfit for further service by Invaliding Committees, are transferred to the Pension Establishment :—

Rank.	Names.	In what rank pensioned.	Circle of payment.
	9th Regiment Bengal Cavalry.		
Duffadar ...	Kurreem Bux	Duffadar ...	Meerut.
Sowar ...	Meer Kootub Ali	Sowar ...	"
	9th Regiment Native Infantry.		
Sepoy ...	Bindha Doobe	Sepoy ...	Cawnpore.

No. 1024 *of* 1866.—Agreeably to G. G. O. No. 181 of 12th December 1833, the under-mentioned heir is admitted to the Native Family Pension from the date specified opposite to his name, and the Pay Master of Pensioners in whose Circle the individual resides will furnish the prescribed Rolls to the Department of Audit and to the parties concerned :—

Name of Claimant.	Age.		Height.		Caste.	Personal appearance and particular marks.	Village and District.	Nature of relationship to the deceased.	Description of the deceased relation on whose account claims are made.			Date of Admission.	Date of Committee's Proceedings.	Amount of Pension.	For what period.	By what Pension Pay Master payable.
	Years.	Months.	Feet.	Inches.					Name.	Rank.	Last Corps.					
														Rs. A. P.		
Jowalla Sing ...	6	...	3	6	Muzbee.	Has a dark mark on the back of the left leg behind the knee.	Mungah, Lahore.	Son.	Gyan Sing.	Havildar.	23rd Punjab Pioneers.	16th December 1863.	22nd June 1864.	4 8 0	Twelve years.	Meerut.

No. 1025 *of* 1866.—Ensign H. M. M. Wood, of Her Majesty's 35th Foot, 1st Wing Subaltern, 3rd Punjab Infantry, admitted to the Bengal Staff Corps by Government General Order No. 842 of the 4th October 1866, will rank as Lieutenant in that Corps, under the operation of paragraph 84 of Government General Order No. 332 of 1861, with effect from the 11th August 1865, subject to Her Majesty's approval.

The 6th December 1866.

No. 1026 *of* 1866.—The under-mentioned Officers have reported their return from England :—

	Date of arrival at Fort William.
Major H. J. Hawes, of the Bengal Staff Corps, 2nd Class Deputy Commissioner, Moozuffergurh. Captain H. C. P. Rice, of the Bengal Staff Corps, 2nd in Command and Wing Officer, 1st Sikh Infantry. Lieutenant F. H. Hood, of the late 30th Regiment Native Infantry. Assistant Surgeon B. Kendall, of the Medical Department. Assistant Surgeon J. Brake, of the Medical Department, Superintendent of Vaccination, Central Provinces. Surgeon E. C. Thorp, M. D., of the Medical Department. Veterinary Surgeon J. W. Garrad, Principal Veterinary Surgeon, Central Studs, Kurruntadhee.	30th November 1866.
	Date of arrival at Bombay.
Lieutenant W. H. Collins, of the Royal Engineers, 2nd Assistant, G. T. Survey.	9th Nov. 1866.

No. 1027 *of* 1866.—The services of Lieutenant W. E. Rutherfurd, late 28th Native Infantry, 1st Wing Subaltern of the 17th (the Loyal Poorbeah) Regiment Native Infantry, are placed at the disposal of the Government of Bengal.

No. 1028 *of* 1866.—Assistant Surgeon A. M. Verchere, in medical charge of the 4th Punjab Cavalry, is, at his own request, permitted to resign his appointment in the Punjab Frontier Force, and his services are accordingly placed at the disposal of His Excellency the Commander-in-Chief.

His Excellency the Governor General in Council is pleased to make the following appointment :—

PUNJAB FRONTIER FORCE.

4th Cavalry.

Assistant Surgeon G. C. Ross, to the medical charge, vice Assistant Surgeon A. M. Verchere.

No. 1029 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following appointments :—

HYDERABAD CONTINGENT.

1st Cavalry.

Lieutenant J. G. D. Walker, Paid Doing-duty Officer, and Officiating Adjutant of the Corps, to be Adjutant, vice Lieutenant Tweedie, appointed to another situation.

Lieutenant A. G. W. Hemans, Officiating Paid Doing-duty Officer, 4th Cavalry, to be Paid Doing-duty Officer, vice Lieutenant Walker.

No. 1030 *of* 1866.—The following order, issued by the Resident at Hyderabad, is confirmed :—

No. 179 *of the* 19*th November* 1866.—Confirming Regimental Order issued by the Officer Commanding the 2nd Infantry, Hyderabad Contingent, dated the 1st November 1866. Directing Captain J. P. Pedler, 2nd in Command, to officiate as Commandant, and Lieutenant R. F. Doig, Paid Doing-duty Officer and Officiating Adjutant, to officiate, in addition, as 2nd in Command, from the 2nd November 1866, consequent on the departure of Major Adey, Commandant, on Court Martial duty.

No. 1031 *of* 1866.—It is notified, for general information, that the provisions of Government General Order No. 520 of the 12th May 1862, in regard to the mode of calculating the service of Officers entering the Staff Corps, are applicable to those Officers who join the Staff Corps, under the terms laid down in Government General Order No. 808 of the 26th September 1866.

The 7th December 1866.

No. 1032 *of* 1866.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

Lieutenant William John Engledue, of the Royal Engineers, Assistant Engineer, 1st Grade, Department of Public Works.	For 20 months, under the new Regulations.

No. 1033 *of* 1666.—The under-mentioned Officers have reported their departure on the dates specified opposite to their names :—

Lieutenant Colonel W. D. A. R. Short, of the Royal Engineers, G. G. O. No. 931 of 1866.	"Nubia," 10th Nov. 1866.
Major G. H. Thompson, of the Bengal Staff Corps, G. G. O. No. 973 of 1866. Major T. Taylor, of the Bengal Staff Corps, G. G. O. No. 945 of 1866.	"Golconda," 24th Nov. 1866.
Captain W. Phaire, of the Bengal Staff Corps, G. G. O. No. 973 of 1866.	"Bolton Abbey," 28th Nov. 1866.
Lieutenant C. McK. Hall, of the General List, Infantry, G. G. O. No. 1016 of 1866.	"Norma," 4th Oct. 1866, from Bombay.
Lieutenant A. B. Hepburn, of the late 32nd Native Infantry, G. G. O. No. 973 of 1866. Surgeon W. B. Beatson, M. D., of the Medical Department, G. G. O. No. 919 of 1866.	"Golconda," 24th Nov. 1866.

No. 1034 *of* 1866.—Major H. J. Hawes, of the Bengal Staff Corps, 2nd Class Deputy Commissioner, Punjab, is allowed an extension of leave from the 20th to the 30th November 1866, the date on which he reported his return to Bengal from furlough to Europe.

No. 1035 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following appointment:—

Stud Department.

Captain T. F. C. Rochfort, Doing-duty Officer, to officiate as Sub-Assistant during the period Major Irwin may officiate as 2nd Class Assistant, or until further orders, vice Captain Macnaghten, proceeded to Europe on sick leave.

No. 1036 *of* 1866.—The under-mentioned Officers are admitted to the Bengal Staff Corps, with effect from the 12th September 1866, under the provisions of G. G. O. No. 808 of the 26th idem, subject to confirmation by the Right Hon'ble the Secretary of State for India:—

Captain (Brevet Lieutenant Colonel) Alexander Bagot, late 15th N. I.
Captain (Brevet Major) John James Dansey, late 16th N. I.
Captain (Brevet Major) Angelo Edward Osborn, late 45th N. I.
Captain (Brevet Major) John Ruggles, late 41st N. I.
Captain (Brevet Major) John Collings Bonamy, late 32nd N. I.
Captain (Brevet Major) Elliott Hyndman, late 27th N. I.
Captain (Brevet Major) Henry Croker Cuppage, late 15th N. I.
Captain (Brevet Major) Charles Stephen Fowle, late 22nd N. I.
Captain (Brevet Major) John Richardson Auldjo, late 36th N. I.
Captain Augustus Arthur Currie, late 45th N. I.
Captain (Brevet Major) Gordon Cavenagh, late 39th N. I.
Captain John Robert Currie, late 4th N. I.
Captain (Brevet Major) Abraham Charles Bunbury, late 34th N. I.
Captain Richard Henry Wall, late 16th N. I.
Captain Hardress Edmond Waller, late 40th N. I.
Captain (Brevet Major) Francis Henry Hanmer, late 34th N. I.
Captain John Hobart Tyler, late 20th N. I.
Captain Henry Doyle Metcalfe, late 25th N. I.
Captain (Brevet Major) Frederick Duffin, late 22nd N. I.
Lieutenant (Brevet Captain) George Nicholson Saunders, late 24th N. I.
Lieutenant (Brevet Captain) Rowland Smith, late 59th N. I.
Lieutenant (Brevet Captain) Alexander Bruce, late 28th N. I.
Lieutenant Richard Fisher Angelo, late 41st N. I.
Lieutenant Henry Montgomery Barton Burlton, late 5th E. R.
Lieutenant Charles Lawrence Brown Constable, late 17th N. I.
Lieutenant Robert Francis Firth, late 65th N. I.
Lieutenant (Brevet Captain) Charles Metcalfe Bushby, late 70th N. I.
Lieutenant Alan Murray, late 60th N. I.
Lieutenant Gerveys Richard Grylls, late 18th N. I.
Lieutenant Francis William Collis, late 30th N. I.
Lieutenant George Buckley Stevens, late 38th N. I.
Lieutenant Charles Sangster DeFermoy Roche, late 6th E. R.
Lieutenant Beilby Porteus Hodgson, late 10th N. I.
Lieutenant Donald Darroch, late 16th N. I.

No. 1037 *of* 1866.—The following promotions are made in the Bengal Staff Corps, from the dates specified, under the provisions of G. G. O. No. 808 of the 26th September 1866, subject to Her Majesty's approval:—

TO BE LIEUTENANT COLONEL,

Having served 26 *years.*

Major (Brevet Lieutenant Colonel) Alexander Bagot.	18th Sept. 1866.

TO BE MAJORS,

Having served 20 *years.*

Captain (Brevet Lieutenant Colonel) Alexander Bagot. Captain (Brevet Major) John James Dansey. Captain (Brevet Major) Angelo Edward Osborn. Captain (Brevet Major) John Ruggles. Captain (Brevet Major) John Collings Bonamy. Captain (Brevet Major) Elliott Hyndman. Captain (Brevet Major) Henry Croker Cuppage. Captain (Brevet Major) Charles Stephen Fowle. Captain (Brevet Major) John Richardson Auldjo. Captain (Brevet Major) Gordon Cavenagh. Captain (Brevet Major) Abraham Charles Bunbury. Captain (Brevet Major) Francis Henry Hanmer. Captain (Brevet Major) Frederick Duffin.	12th Sept. 1866.

TO BE CAPTAINS,

Having served 12 *years.*

Lieutenant (Brevet Captain) George Nicholson Saunders. Lieutenant (Brevet Captain) Rowland Smith. Lieutenant (Brevet Captain) Alexander Bruce. Lieutenant (Brevet Captain) Charles Metcalfe Bushby.	12th Sept. 1866.

H. K. BURNE, *Lieut. Colonel,*

Offg. Secy. to the Govt. of India.

Calcutta, the 7th December 1866.

NOTICE

Is hereby given that the amounts on account of the Estates of deceased European Commissioned, Non-Commissioned Officers and Soldiers as specified in the Statements published below, have been received by the undersigned, to whom all claims by creditors against the respective properties of the deceased are to be submitted within two calendar months from the date of this notice:—

Statement of Deposits made at the Presidency Pay Office on account of Estates of deceased European Commissioned Officers of Her Majesty's British Military Service during the Month of November 1866.

Date of Deposit.	On whose account.	Rank.	Corps.	General Number.	Date of decease.	Testate or Intestate.	Amount of monies accruing from the adjustment of Estates.	Amount of Donation Batta due to Estates.	Total unclaimed amount deposited.	How disposed of. Amount paid in India.	Amount retained in India.	Amount remitted for payment in England. In Co.'s Rupees.	Equivalent in Sterling	Rate of Exchange.
	Commissioned Officers.						Rs. A. P.		Rs. A. P.					
1st Nov. 1866.	(a) George Theobald ...	Lieutenant ...	H. M.'s 1-11th Regt. ...	...	4th June 1866	Intestate.	552 5 1	...	552 5 1					
2nd " "	(b) Maurice Henry Fitzmaurice...	Captain ...	11th Bgde. Royal Artillery	...	3rd Aug. 1865	Ditto.	88 1 0	...	88 1 0					
14th " "	(c) Richard Pack ...	Lieutenant ...	H. M.'s 41st Welsh Regiment ...	...	6th July 1866	Ditto.	2,655 12 2	...	2,655 12 2					
20th " "	(d) Joseph Bernard Ryan ...	Staff Assistant Surgeon ...	Army Medical Staff, H. M.'s British Service ...	...	29th June "	Ditto.	1,159 0 3	...	1,159 0 3					
21st " "	(e) George Gordon Fergusson ...	Ensign ...	H. M.'s 1-20th Regiment..	...	9th May "	Ditto.	34 13 9	...	34 13 9					
						Total...	4,490 0 3		4,490 0 3					

(a) James Theobald, Esquire, J. P. for County of Hampshire, Hyde Abbey, Winchester.
(b) Mother, Mrs. Fitzmaurice, widow of the late General Fitzmaurice, Windsor Castle.
(c) Father, Revd. Richard Pack, Minister; Brother, Captain Anthony Pack, Kilkenny Militia, Bamford Glebe, Kilkenny, Ireland.
(d) Father,—Ryan, Esquire, No. 10, Lower Mount Street, Dublin.
(e) Mother,—Mrs. Fergusson, 8, Belgrave Terrace, Glasgow.

FORT WILLIAM;
PAY OFFICE,
The 30th November 1866.

H. D. BATTYE, *Captain,*
Offg. Presidency Paymaster.

Statement of Deposits made at the Presidency Pay Office on account of Estates of deceased European Commissioned and Non-Commissioned Officers and Soldiers of Her Majesty's Indian Military Service, during the Month of November 1866.

Date of Deposit.	On whose account.	Rank.	Corps.	General Number.	Date of decease	Testate or Intestate.	Amount of monies accruing from the adjustment of Estates	Amount of Donation Batta due to Estates.	Total unclaimed amount deposited.	How disposed of. Amount paid in India.	Amount retained in India.	Amount remitted for payment in England. In Co.'s Rupees.	Equivalent in Sterling.	Rate of Exchange
	Commissioned Officers.						Rs. A. P.		Rs. A. P.					
21st Nov. 1866	(a) Archibald Cumine ...	Captain and Brevet Major ...	Late 4th N. I. ...	...	31st Jan. 1866	Intestate	167 14 11	...	167 14 11					
28th " "	Ditto ...	Ditto ...	Ditto .	...	" " "	Ditto	208 0 0	...	208 0 0					
27th " "	(b) Benjamin Knowles, M. B. ...	Assistant Surgeon	Medical Department ...	...	29th June "	Ditto	767 7 6	...	767 7 6					
	Non-Commissioned Officers and Men.													
6th " "	(c) Thomas Hogan ...	Gunner ...	European Invalid Battalion ...	...	7th " "	Testate	1,931 2 11	...	1,931 2 11					
9th " "	(d) Thomas Redmond ...	Quarter Master Sergeant ...	Late 10th N. I. ...	...	Killed in the Mutiny of 1857	Intestate	98 12 6	...	98 12 6					
21st " "	(e) Patrick Sexton ...	Sergeant ...	Late Bengal Artillery, Dept. of Public Works.	...	8th Sept. 1866	Ditto	20 12 0	...	20 12 0					
23rd " "	(f) William Nesbitt ...	Drum Major ...	European Invalid Battalion ...	...	11th " . "	Testate	1,005 15 9	...	1,005 15 9					
	Total ...	...	...	...	...	...	4,200 1 7	...	4,200 1 7					

(a) Mother, Mrs. Jane Cumine, County Banff, Scotland.
(b) Father, Thomas Knowles, Esquire, No. 1, Little Wales Street, Aberdeen.
(c) Mother and Legatee, Mrs. Margaret Hogan, County Cork, Ireland, Parish or Town, Charleville.
(d) Next of kin, unknown.
(e) Widow, Mrs. E. Sexton, an inmate of Bhowanipore Lunatic Asylum; and four children living, two at Agra, and two with H. M.'s 107th Regiment.
(f) Widow, Mrs. Elizabeth Nesbitt; Children, W. Letitia, Diana, and Charles.

FORT WILLIAM;
PAY OFFICE,
The 30th November 1866.

H. D. BATTYE, *Captain,*
Offg. Presidency Paymaster.

H. K. BURNE, *Lieut. Colonel,*
Offg. Secy. to the Govt. of India.

NOTIFICATION.

Calcutta, the 7th December 1866.

Under Clause 26 of the Regulations appended to the Regimental Debts' Act of 1863, it is notified that reports of the deaths of the under-mentioned Commissioned Officers, on the dates specified, were received in the Military Department during the month of November 1866:—

Corps.	Rank and Names.	Date of Decease.	Place of Decease
19th Brigade Royal Artillery ...	Lieutenant and Riding Master C. Clarke	8th July 1866 ...	Calcutta.
1st Battalion 11th Foot	Major and Lieutenant Colonel H. Gray	11th Nov. „ ...	Deyrah.
2nd Battalion Rifle Brigade ...	Ensign W. F. Cavendish ...	26th „ „ ...	Agra.

H. K. BURNE, *Lieut. Colonel,*
Offg. Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

Fort William, the 3rd December 1866.

NOTIFICATIONS.

ESTABLISHMENT.

No. 303.

The sick leave granted to Lieutenant W. J. Engledue, in Notification No. 160 of 1866, is extended to 10th December, or to the date on which he may embark for England.

The 4th December 1866.

No. 304.

The under-mentioned passed students in the Civil Engineering Branch of the Presidency College, are brought on the strength of the Upper Subordinate Establishment of the Public Works Department, as Overseers of the 3rd Grade, on probation, and posted as follows:—

To Bengal.

Baboo Hem Chunder Banerjee.
„ Kally Doss Doss.

To North-Western Provinces.

Baboo Kisto Chunder Gooptoo.
„ Cally Prosono Mozumdar.

To the Punjab.

Baboo Rajoney Canto Mookerjee.
„ Lal Gopal Banerjee.

The 6th December 1866.

No. 305.

Sergeant J. Heywood, Madras Sappers and Miners, Overseer, 1st Grade, Coorg, is permitted, at his own request, to resign his appointment in the Public Works Department, and his services are replaced at the disposal of the Government of Madras.

C. H. DICKENS, *Lieut. Colonel,* R. A.,
Secy. to the Govt. of India.

HIGH COURT.

NOTIFICATIONS.

The 3rd December 1866.

Mr. C. S. Hogg, Receiver of the High Court, resumed charge of his duties from Mr. C. J. Wilkinson on the 29th October 1866.

Mr. C. S. Hogg, Official Trustee of Bengal, resumed charge of his duties from Mr. C. J. Wilkinson on the 29th October 1866.

L. R. TOTTENHAM,
Offg. Registrar.

NOTICE.

A New Edition of the Map of DISTRICT NUDDEAH, showing Village boundaries, Scale 1 Mile equal to 1 Inch, in 8 Sections, with a small Index, is now ready for issue.

Applications for the Maps *bonâ fide* on the Public Service, to be addressed to the Registrar, Surveyor General's Office, Calcutta.

For private use, on payment, the Map can be obtained from all Booksellers and the "School Book Society," Calcutta, at the following rates:—

		Rs.	A.	P.
Uncolored and Unmounted.	On *thick paper*, the Map complete in 8 Sections with Index...	8	0	0
	Or each Section separate ...	2	0	0
	On *thin paper*, the Map complete in 8 Sections with Index .	6	0	0
	Or each Section separate ...	1	8	0

N. B.—Parties requiring the Map Colored and Mounted must pay extra for the same.

J. E. GASTRELL, *Lieut. Colonel,*
Offg. Depy. Surveyor Genl. of India

Statement of Silver Balance in the Mint.

Balance of Bullion under assay or remaining to be assayed on the morning of the 26th November 1866,	7,24,430
26th November tendered... ...	2,03,837
	9,28,267
Certificates issued	4,284
Balance	9,23,983
27th November tendered ...	1,27,708
	10,51,691
Certificates issued	14,827
Balance	10,36,864
28th November tendered ...	56,079
	10,92,943
Certificates issued	1,72,958
Balance	8,99,985
29th November tendered ...	1,639
	9,01,624
Certificates issued	1,63,216
Balance	7,38,408
30th November tendered ...	45,270
	7,83,678
Certificates issued	1,85,260
Balance	5,98,418
1st December tendered ...	1,392
	5,99,810
Certificates issued	1,91,521
Balance	4,08,289
Add difference in value between Tender and Certificates	11,797
Balance of Bullion under assay or remaining to be assayed ...	4,20,086
Note.—Value of Silver remaining for Coinage at end of week and appertaining to the Mint Balance ...	73,60,518
Ditto ditto not assayed ...	4,20,086
	77,80,604
Deduct value of Silver appertaining to the Currency Department ...	74,42,878
TOTAL ...	3,37,726

CALCUTTA MINT,
The 3rd December 1866.

J. A. BALLARD,
Offg. Mint Master.

ADVERTISEMENTS.

THE GAZETTE OF INDIA.

In consequence of the return of the Viceroy and Members of the Government of India to the Presidency, the *Gazette of India* will, on and after the 3rd November, be published in Calcutta. All communications, therefore, regarding the *Gazette*, should be addressed "Gazette of India, Office of the Superintendent of Government Printing, 4, Hastings Street."

NOTICE.

Her Majesty's Post Master General has intimated that, under the terms of a Postal Convention concluded between France and Portugal, the prepayment of postage* on letters between India and Portugal when forwarded viâ France, will cease to be compulsory. Registered letters may also be sent to Portugal provided the postage be paid.

	Rs.	A.	P.
* Not exceeding ½ oz. ...	0	6	8
" ½ " ...	0	13	4
" ¾ " ...	1	4	0
" 1 " ...	1	10	8

A. M. MONTEATH,
Offg. Dir. Genl. of the Post Office of India.

CALCUTTA,
The 30th November 1866.

NOTICE

Is hereby given that the sale of waste lands in this District, advertized in page 1567 of *Gazette of India*, dated 17th November 1866, is postponed for the present.

S. J. NAHER,
Extra Asst. Commr.,
For Offg. Dy. Commr.

DEPY. COMMR.'S OFFICE,
FYZABAD,
The 27th November 1866.

Price Five Rupees.

Finance and Revenue Accounts of the Government of India for the year 1864-65, and Estimate of Revenue, Expenditure, and Cash Balances for 1865-66, with a comparison of the two years.

Price Two Rupees.

Budget Estimate of Revenue, Expenditure, and Cash Balances of the Government of India for the year 1866-67.

CALCUTTA:
OFFICE OF SUPDT. OF GOVERNMENT PRINTING
4, HASTINGS STREET.
1866.

BANK OF BENGAL.

Calcutta, the 20th November 1866.

Notice is hereby given that, in conformity with Section XV of the Charter (Act IV of 1862), a Meeting of the Proprietors of the Bank of Bengal will be held at the Bank on Monday, the 10th December, at 10 A. M., to elect three Directors in the rooms of Messrs. T. R. Grant and John Skinner, who go out by rotation, and the Hon'ble David Cowie, who resigns his seat in the Direction.

By order of the Directors,

GEO. DICKSON,
Secretary and Treasurer.

CACHAR AND ASSAM COMPANY, LIMITED.

The Sixth Ordinary General Meeting of the above Company was held at the Office of the Secretaries on the 24th November, when the Statement of Accounts and Directors' Report for the half-year ending 30th June last were passed as correct.

The Meeting was then made special, and the following resolution proposed and carried unanimously :—

"That this Company be wound up voluntarily and that Messrs. John Elliott and Co. be appointed liquidators for the purpose of winding up the affairs of the Company, under the provisions of the 145th and following Sections of Act X of 1866, and that as such liquidators they be paid for their remuneration 5 per cent. upon the assets realized."

With reference to the above, a Special General Meeting will be held at the Office of the Secretaries on Tuesday, the 11th December, for the purpose of confirming the above resolution.

JOHN ELLIOTT AND CO.,
Secretaries.

THE GREAT EASTERN HOTEL, WINE, AND GENERAL PURVEYING COMPANY, "LIMITED."

Notice is hereby given that an Extraordinary General Meeting of the Shareholders of this Company will be held at the registered Office of the Company, Nos. 1, 2, and 3, Old Court House Street, Calcutta, on Friday, the 11th day of January 1867, at three o'clock P. M., for the following purposes, *viz.* :—

To consider the question of the declaration of a dividend for the past half-year left undecided at the Half-yearly Ordinary General Meeting of Shareholders held on the 31st October last.

To repass the resolutions as to the appointment of a Committee of inspection carried at the said Meeting held on 31st October last.

And to transact all such other business as may be brought forward.

By order of the Directors,

DAVID CALDER,
Secretary.

CURRENCY NOTES LOST OR STOLEN.

Extract from Financial Department Notification No. 1001 *A, dated Simla,* 30*th July* 1866.

Para. 9.—"The person making the statement respecting a lost or destroyed note, or portion of note, will be required to advertise its loss (free of charge) *thrice* at least in the *Official Gazette* of the Presidency or place where or within which the note is payable, and *once* in the *Gazette of India.*"

LOST

Second halves of the following Currency Notes, intimation of loss given to the Currency Office, Allahabad :—

No. $\frac{A}{18}$24666 for Rs. 10
" $\frac{A}{18}$24667 " 10
" $\frac{A}{18}$24668 " 10

Halves of the following Currency Notes, intimation of loss given to the Currency Office, Allahabad :—

No. $\frac{A}{18}$27597 for Rs. 10, and Nos. $\frac{A}{26}$15810, and $\frac{A}{26}$15812 for Rs. 20 each.

First half of the Currency No. $\frac{A}{15}$20459 for Rs. 500, intimation of loss given to the Currency Office, Allahabad.

Application has been made for payment of a Currency Note joined as follows :—

First half No. $\frac{A}{18}$12115 for Rs. 10
Second half No. $\frac{A}{18}$12116 " 10

Any person possessing the corresponding halves should communicate with the Paper Currency Office, Allahabad.

In transit between Lahore and Calcutta the left half of Lahore Circle Currency Note No. 68538 of 8th May 1862 for Rs. 10.

First half of the following Currency Note, intimation of loss given to the Currency Office, Allahabad :—

No. $\frac{A}{18}$32846 for Rs. 10.

Halves of the following Currency Notes, intimation of loss given to the Currency Office, Calcutta :—

Nos. $\frac{A}{19}$87690, $\frac{A}{20}$52387 for Rs. 10 each.

Half of the following Currency Note, intimation of loss given to the Currency Office, Calcutta :—

No. $\frac{A}{11}$06814 for Rs. 50.

Halves of Government Currency Notes Nos. $\frac{A}{10}$02329, $\frac{A}{10}$36254, and $\frac{A}{7}$62003 for Rs. 50.

Half of Currency Note No. $\frac{A}{23}$88110 for Rs. 50, intimation of loss given to the Currency Office, Calcutta.

In transit by Post in a letter posted at Futtehgurh, May 16th, 1866, the half of Government of India No. $\frac{A}{12}$07058 for Rs. 50.

First half of the following Currency Note, intimation of loss given to the Currency Office, Allahabad :—

No. $\frac{A}{96}$10497 for Rs. 20.

In transmission through the Post Office between Umritsur and Delhi the left half of the under-mentioned Government Currency Note, Lahore Circle of Issue :—

No. $\frac{A}{15}$26226, dated Calcutta, 18th July 1861.

The halves of two Lahore Currency Notes, No. $\frac{A}{13}$92494, dated 16th July 1861, and No. $\frac{A}{50}$37264 dated 5th May 1864, for Rs. 100 each.

Second half of Currency Note, No. $\frac{A}{15}$08991 for Rs. 50; intimation of loss given to the Currency Office, Allahabad.

In transit half of the Currency Note No. $\frac{A}{19}$80520 for Rs. 10.

MUTILATED

The following Govt. Currency Notes, intimation of which has been given to the Currency Office, Calcutta :—

Notes Nos. $\frac{A}{7}$73949, $\frac{A}{7}$61349, $\frac{A}{8}$02379, $\frac{A}{19}$10669, $\frac{A}{19}$20988, for Rs. 10 each.

Half of the Currency Note, No. $\frac{A}{6}$72183, intimation given to the Currency Office, Calcutta.

LOST OR STOLEN

From a letter, half of the following Currency Note, intimation of loss given to the Currency Office, Calcutta :—

No. $\frac{A}{19}$82333 for Rs. 10, dated 9th May 1862.

A Govt. Currency Note No. $\frac{A}{35}$22041 for Rs. 50; payment stopped at the Paper Currency Exchange Department.

Half of the following Currency Note for Rs. 100, intimation of loss given to the Currency Office, Calcutta :—

No. $\frac{A}{13}$ 52349, July 16th, 1861.

Half of the following Currency Note, intimation of loss given to the Currency Office, Calcutta :—

No. $\frac{A}{20}$93247 for Rs. 10.

STOLEN

The following entire Currency Note, intimation of loss given to the Currency Office, Allahabad :—

No. $\frac{A}{12}$08127 for Rs. 50.

Halves of Currency Notes, Nos. 13885 for Rs. 100 and 29347 for Rs. 50; and also the following full Notes, Nos. 77998, 29369, for Rs. 50 each; 52486 for Rs. 20; and Nos. 63244, 45903, and 46201 for Rs. 10 each, intimation of which has been given to the Currency Office, Calcutta.

LOST

Two Government four per cent. Promissory Notes No. 772 of 18295 of 1854-55, Rs. 1,000, No. 6737 of 3298 of 1835-36, Rs. 500; blank endorsed by Madub Chunder Bundopadhai, together with Rs. 66-4-9 in Notes and Cash. Payment stopped for the above Papers.

BOLLY CHAND DUTT.

A Government (5) five per cent. Promissory Note No. $\frac{008125}{000540}$ of 1856-57, standing in the name of B. Hardinge, Esq., payment whereof has been stopped.

LUCKMEECHUND RADAKISHEN.

CALCUTTA,
22nd November 1866.

SELECTIONS FROM THE RECORDS OF GOVT. N. W. P., PART XLIV.

CONTENTS :

Report on Native Presses in the N. W. Provinces—Annual Reports of the Lunatic Asylums at Bareilly and Benares—Annual Report of the Vaccine operations in the Agra and Meerut Divisions—Report on the Progress of the Public Library and Museum at Allahabad. *Price Re.* 1.

CALCUTTA:
OFFICE OF SUPDT. OF GOVERNMENT PRINTING,
4, HASTINGS STREET.
1866.

SELECTIONS FROM THE RECORDS OF GOVT. N. W. P., NEW SERIES.

VOLUME I.—Bridges—Cotton—Criminal Statistics and Reports. *Price Rs.* 6-8.

VOLUME II.—Embankments—Female Infanticide—Government Botanical Gardens—Medical Statistics. *Price Rs.* 6-8.

CALCUTTA:
OFFICE OF SUPDT. OF GOVERNMENT PRINTING,
4, HASTINGS STREET.
1866.

REPORT ON THE PROGRESS OF EDUCATION IN THE N. W. PROVINCES for the year, 1865-66. BY M. KEMPSON, ESQ., M. A., Director of Public Instruction, N. W. P. *Price Rs.* 2.

REPORT OF THE NIZAMUT ADAWLUT, N. W. PROVINCES, ON THE ADMINISTRATION OF CRIMINAL JUSTICE for the year 1865, with the orders of Government on the same, and the District Tabular Statements recorded on the Reports of the Sessions Judges. *Price Rs.* 2.

CALCUTTA.
OFFICE OF SUPDT. OF GOVERNMENT PRINTING,
4, HASTINGS STREET.
1866.

Printed and Published for the GOVT. OF INDIA, *at the Office of* SUPDT. OF GOVT. PRINTING, *Military Orphan Press, 4, Hastings Street, Calcutta.*

No. 43.

SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, DECEMBER 8, 1866.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees four annas if sent by Post.*

No Official Orders or Notifications, the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

Government of India.

PUBLIC WORKS DEPARTMENT.

WRECK CHART FOR INDIA FOR THE YEAR 1864-65.

Resolution by the Government of India, P. W. Dept.,—No. 059 C., dated 19th November 1866.

Read—

Report submitted by Mr. C. W. Hope, Executive Engineer of British Burmah, to accompany the Wreck Chart for 1864-65.

OBSERVATIONS.—In April 1864, Lieutenant-Colonel (then Captain) Fraser, Superintendent of Lighthouses, suggested to the Government of India the desirability of preparing an annual Indian Wreck Chart, in which should be shown all wrecks that occurred within the year on the coasts of India, which should be accompanied by a Table showing the loss of life, cargo, and ships, and a Report on the causes of the wrecks. Lieutenant-Colonel Fraser was of opinion that the work would, probably be better done in the Marine Department, but he offered to undertake it if he were supplied with monthly reports of all wrecks that occurred.

2. The proposal was agreed to, and orders were issued to the various Local Governments to supply the required information.

3. Monthly Wreck Reports were, in consequence, regularly sent, from 1st May 1864, to Lieutenant-Colonel Fraser, till his departure from India in June 1865, and from that time to the Chief Commissioner of British Burmah.

4. The Chart for 1864-65 has, under the orders of the Chief Commissioner, been prepared and submitted by Mr. Hope, with various Abstracts and Tables, and a Report reviewing the facts deducible from the Returns furnished. The Report notices the irregularity in the submission of the Returns, the imperfect nature of the information afforded in many, and offers suggestions in view to rendering the Returns more practically useful in future.

5. With reference, first, to the agency to be employed in the preparation of future Charts of the kind, His Excellency in Council has determined that the work shall be done in the Public Works Department under the Chief Commissioner, British Burmah, until the return from leave of Colonel Fraser, when the subject can be re-considered. Mr. Hope, or any other duly qualified Officer, might be employed by the Chief Commissioner.

6. Before proceeding to notice the several points in the Report which call for orders, the Governor General in Council observes that it is desirable that the Calendar, and not the Financial, year should be adopted for future Charts and Reports. In preparing the next Chart, therefore, all wrecks from the 1st January 1865 to 31st December 1865 should be included, although the present Report and Chart contain all wrecks up to 30th April 1865.

7. The various points noticed in the Report which appear to call for remarks or orders are—

(1).—Mr. Hope points out the difficulties he has had to contend with from the want of proper Charts of the Coasts, and calls attention to a suggestion made by Lieutenant-Colonel Fraser, that an outline Chart of the whole of the Coasts, from the Indus to Singapoor, should be prepared in the Marine Department, to a scale suitable for this particular purpose, and be lithographed in the Surveyor General's Office. Mr. Hope offers an opinion that, if enlarged plans of harbours, and those narrow and dangerous estuaries and arms of the sea which are much frequented, were given, the general Chart might well, and most conveniently, be on a small scale.

Para. 3 of Report.

8. This point will be referred for consideration in the Home Department.

(2).—Incompleteness of, and inaccuracies in, Returns. See paras. 4, 11, 13, 18, 20, 21, 24, 25, 29, and 30 of the Report.

9. The attention of the Officers concerned in the preparation of the Return should be drawn to the necessity for complete accuracy in the manner of filling in the various columns, and of giving as full information as possible under the various headings.

10. When incomplete Returns are submitted, the Local Government should return them for the necessary additional information, and the Officer

entrusted with the preparation of the Chart should himself call, through the proper channel, for any particulars which he may consider necessary.

11. With reference to para. 24, the Governor General in Council observes that the Returns should include all wrecks reported to the Local Government in any month. In cases in which an enquiry is pending, the results of the enquiry should be given in a subsequent Report.

(3).—Mr. Hope's suggestions for modifications in the form of Wreck Returns.

12. A column should be added showing whether the wrecks occurred during darkness or during daylight; the latitude and longitude should be invariably given; and information as to the value of cargo lost should be supplied when practicable.

13. The present Chart cannot be considered of much practical value, but the Governor General in Council considers that it should be published in connexion with these remarks.

ORDER.—Ordered, that a copy of the Report, with the Tables and Chart, and of this Resolution, be forwarded to the Home Department for consideration of the point referred to in para. 8, and with a request that the papers may be published in the Supplement to the *Gazette of India.*

Ordered also, that copies of the Report, &c., be forwarded to the Chief Commissioner of British Burmah, and to the Governments of Madras, Bombay, and Bengal, the Governor of the Straits Settlements, and the Colonial Secretary at Colombo, for information.

Also that the matter be reported to the Secretary of State.

Report to accompany Wreck Chart for 1864-65.

In continuation of the correspondence noted in the margin, the following documents are submitted, on behalf of Lieutenant-Colonel A. Fraser, C. B., R. E., Superintendent of Lighthouses, for the consideration of the Government of India:—

Letter No. $\frac{284}{59\ C\text{-}1}$, dated 30th June 1866, from Offg. Secy. to the Chief Commr., British Burmah, P. W. D., to Secy. to Govt. of India, P. W. D., and accompanying Memo. by Mr. Hope, Exec. Engr.

Letter No. $\frac{339}{59\ C\text{-}1}$, dated 9th July 1866, from ditto to ditto.

Letter No. 2, dated Calcutta, 21st July 1866, from Mr. C. W. Hope, Exec. Engr., to Asstt. Secy. to Govt. of India, P. W. D., Calcutta.

I.—*Wreck Chart.*

1. Published Chart of the Bay of Bengal, by Imray, with the positions and names of the wrecks reported in 1864-65 laid down in *red.*
2. Published Chart of the West Coast of India, from Cape Comorin to Bombay, by Imray, with wrecks marked as above.

II.—Table (No. I) showing monthly returns received from Governments and Provinces, and number of wrecks for the year 1st May 1864 to 30th April 1865.

III.—Record Book into which the monthly returns have all been copied, under the heads of the different Governments and Provinces.

IV.—Table (No. II) of wrecks reported in each month, from May 1864 to April 1865, by the several Governments and Administrations in British India and Ceylon, shewing name, flag, and tonnage of vessels; nature of cargo; locality of wreck; cause of wreck (briefly), and loss of lives and cargo.

This Table is a re-arrangement (under monthly heads) and abridgment of the Record Book, and shews the totals for each month.

V.—Abstract (No. III) compiled from Table II, of wrecks reported in each month from May 1864 to April 1865, showing—

1.—Number of wrecks reported by each Government or Administration;

2.—Tonnage;

3.—Number of cargoes wrecked;

4.—Number of cargoes lost; and

5.—Number of lives lost.

VI.—Abstract (No. IV) showing grand total of wrecks reported for each month of 1864-65, and of tonnage and loss as in No. III.

VII.—Abstract (No. V) showing grand total of wrecks reported by each Government or Administration, from 1st May to 30th April 1866, with particulars as in No. III.

VIII.—Table (No. VI) showing classification of tonnage of vessels wrecked on coasts of India and Ceylon during 1864-65.

IX.—Table (No. VII) showing causes of wrecks reported in 1864-65.

Origin of Report.

The preparation of the documents above enumerated, originated in a proposition by Lieutenant-Colonel Fraser, C. B., R. E., made in his letter to the Secretary to the Government of India, in the Public Works Department, No. 587, dated 6th April 1864. That proposition was referred to the Home Department, who accepted it, and requested the various Local Governments, and the Colonial Government of Ceylon, to supply the necessary information. Monthly returns of wrecks have accordingly since been furnished, and, until his departure on sick leave to Europe, were forwarded to Colonel Fraser for disposal, and since then, by Colonel Fraser's desire, they have been forwarded to the Chief Commissioner of British Burmah, in the Public Works Department.

Explanation of delay in submission.

2. The Chart and other documents now submitted, refer to the year ending 30th April 1865. The delay in their submission has been already fully explained in letter No. $\frac{284}{59\,CT}$, from the Officiating Secretary to the Chief Commissioner of British Burmah, and in my Memorandum therewith forwarded to Government; and it was subsequently, in the letter No. $\frac{329}{59\,C_1}$, also above quoted, reported that the Chief Commissioner had been pleased to grant me privilege leave, but that I would take with me to Calcutta all the returns and the tables already prepared, and there prepare the Chart itself. At that time I contemplated making an outline tracing from charts which I had no doubt of finding in the Master Attendant's Office in Calcutta, and on the tracing laying down the positions of the wrecks. I found, however, that the charts required did not exist in the Master Attendant's Office, and those which have now been obtained, by indent and purchase, are not all that could be desired—the east and west coasts of India not appearing on the same scale.

Outline Chart prepared for the purpose, and lithographed, necessary.

3. Should Government wish to continue the preparation of a Wreck Chart, I beg to call attention to the original request of Lieutenant-Colonel Fraser, that an outline chart of the whole of the coasts from the Indus to Singapoor, be prepared to a suitable scale for this particular purpose, in the Marine Department, and that it be lithographed in the Surveyor General's Department. If enlarged plans of harbours, and those narrow and dangerous estuaries and arms of the sea which are much frequented, were given, I think that the general chart might well, and most conveniently, be drawn to a scale considerably smaller than that of either of the charts now submitted. The positions, names of all places on the coast, the mouths of rivers and creeks, the prominent hills, and other land marks, and the names of the various Provinces and Districts, should of course be accurately laid down and given, but the number of soundings shown might be very much limited, and the style of execution need not be very elaborate.

Incompleteness of monthly Returns.

4. As already reported in the correspondence above quoted, the monthly returns were found to be somewhat incomplete and imperfect, and as those from Bengal were especially so, to the extent of affecting all the totals in the tables,—on my arrival in Calcutta, I addressed a letter to the officer in charge of the office of the Secretary to the Government of India, in the Public Works Department, with the view, if possible, of obtaining the missing returns before the Chart should be otherwise ready for submission. My letter was endorsed to the Home Office in Calcutta. Should a reply be received before this report is submitted, the statistics will be corrected if necessary.

Subject transferred to British Burmah.

5. In a letter to Major Oliphant, Officiating Secretary to the Chief Commissioner of British Burmah, Public Works Department, No. $\frac{35\,C}{45}$, dated 5th June 1865 (annexed), Lieutenant-Colonel Fraser requested him to obtain the permission of the Chief Commissioner to take up the matter of the Wreck Chart, and stated that his objects had been,—1st, to show on a Chart the positions of wrecks; 2nd, to show concisely the general causes of losses at sea, and to show, or suggest, or cause enquiry in regard to any means of preventing them in future; 3rd, to give a table of the loss of life, cargo, and ships, with an estimate of the probable value of property destroyed.

Lieutenant-Colonel Fraser's departure.

6. As Colonel Fraser was obliged to go home before he had time even to examine the returns received, I am unable to give even an idea of what deductions he would have drawn from them, or of what suggestions he might have made as to means of prevention. All that I have thought it right to do has been to show as clearly as possible, in the tables herewith submitted, the statistics of the subject, and then, as I now proceed to do, to make a few remarks on the facts disclosed, and on the points which it seems to me should be attended to in the future preparation of returns on this subject.

Inspection of British Wreck Chart desirable.

7. I desiderated an inspection of the Wreck Chart which is prepared annually for Great Britain, as I might then have been better able to treat of the similar subject in India, but I have failed to find a copy in Calcutta. The Assistant Secretary in Calcutta informs me that no copy is to be found in the Home Office. I much doubt, however, whether much analogy would be found to exist where the facts and circumstances are so diverse. Here, on a coast line of between 4 and 5,000 miles, only 50 wrecks (including those of small Native craft) have been reported in one year, though that is memorable as the year of THE CYCLONE; whereas, in Great Britain and Ireland, with a smaller coast line, I imagine the wrecks must amount to hundreds.

Division of subject.

8. The question then must be viewed in its own light; and it appears to me that it should be considered as it relates—*first*, to CLIMATE and SEASONS; *second*, to GEOGRAPHICAL DANGERS; *third*, to the state of HYDROGRAPHICAL SCIENCE, *i. e.*, the degree of accuracy with which the coast and its dangers have been surveyed and laid down on the charts; *fourth*, to the state and security of the various HARBOURS on the coast, and the provision made thereat, by buoying, for securing easy and safe entrance and exit; *fifth*, to LIGHTHOUSES and BEACONS; and *sixth*, to the provision which may exist for ENQUIRY into the causes of wrecks, and for the PUNISHMENT of those owing to whose neglect or ignorance the wrecks may have occurred.

9. *Effects of Climate and Seasons.—First*, then, as to *Climate.*—Tables III and IV show the number of wrecks in each month, reported from each Province. The six months of the South-west monsoon, the stormy season, show 28 wrecks out of a total in the year of 50,—not much in excess of those which happened during the six months of the North-east monsoon. But Table VII shows that only 18 of the wrecks, reported in May to October, were owing to stress of weather, while (deducting the case of the *Blondell*, wrecked in the Rangoon River) 8 of the wrecks reported in November to April happened also from that cause. The regularity of the seasons in India almost divides the year into a shipping and a non-shipping season, and this accounts for the comparatively small proportion of wrecks occurring, during the South-west monsoon, owing to stress of weather. There are much fewer ships at sea, and therefore few wrecks. For instance, the Ports of British Burmah, which in the months of February and March contain about 350 ships, are almost literally deserted for months during the bad weather. But this is also partly owing to the fact that, the staple export of British Burmah, rice, comes into the market during the fine weather, and every exertion is made to have it shipped away before the change of the monsoon.

10. The great féature of the year 1864, as regards the weather, was "THE CYCLONE" of 5th October. This was, however, a local occurrence, and out of the five wrecks reported in that month, only three were caused by the "Cyclone," *viz.*, that of the Mail Steamer *Persia*, which foundered at sea, on her voyage from Akyab to Calcutta, and those of the Light Ships *Krishna* and *Hope*, which were driven from their moorings, and never again heard of. This is the whole of the information furnished in the returns as to the disasters caused by "the Cyclone," and thus what might have been an interesting feature in this report is wanting. I do not consider that wrecks, from whatever cause, happening fairly inside a river, ought to have a place in a report of this nature. But there must have been, and, indeed, it was reported that there had been, other wrecks caused by the Cyclone, the particulars of which have never been furnished.

11. The month of November 1864 opened on the Madras coast with a violent gale, in which five vessels were driven on shore. This gale, however, does not appear to have been destructive elsewhere, unless its dregs caused the loss of the unknown ship on the coast of Ceylon near Trincomalee. The month of December is the only one during which no wreck occurred, unless the wreck of the *Blondell* be disregarded, as having occurred in a river, and then the month of February may be conjoined with it. Perhaps also, the wreck of a small Native craft in Balasore roads, which is stated to have been old and leaky, may also be eliminated, and we should then have 3 months, May and December 1864, and February 1865, during which no wrecks occurred: of these, May is in some localities

a South-west monsoon month, in which bad weather might be expected. Were the returns received from Bombay not so imperfect, as regards the cause of wreck, it is possible that the wreck of the *Fulluk Sadon*, at a place in the Gulf of Cambay, not marked on the Chart, might have been added to the list of wrecks owing to stress of weather.

12. *Second*, as to *Geographical Dangers*.—Nothing seems to call particularly for remark. The danger of a lee-shore to vessels at anchor, or coasting, when a gale comes on, is well illustrated in the case of the Arracan and Madras coasts during the gales of July, September, and November; and I am not prepared to say that the wrecks which occurred in consequence were due to want of skill. The well known dangers at the mouths of the Rangoon and Moulmein rivers have had their usual effect, aggravated by the negligence or unskilfulness of Pilots, within whose jurisdiction these sands and shoals lie. Bombay Harbour also seems dangerous to enter or leave; the wrecks of two large ships, the *Sydenham* and *Glen Sannox* having occurred within a few yards of each other, and the *Marie Catherine* having been lost a few miles to the southward. But as the cause of the two former was reported as still under enquiry, it is possible that those in charge of the vessels, and not the harbour, were to blame. This may almost be presumed in the case of the *Sydenham*, which seems to have been attempting to leave the harbour without a Pilot.

Wrecks on sunken rocks.

13. Two vessels, *viz.*, the steamer *Johnstone Castle*, 131 tons, and the small Native craft, *Kim Hock Sing*, 118 tons, were lost by striking on sunken rocks. The cause of the *Johnstone Castle* striking is not stated, nor the depth of water around or over the rock, and it is not stated whether the rock (which is on the Malabar Coast) was previously known to exist, or whether she discovered it, or whether she went out of her way to discover it. The rock on the Mergui Archipelago, on which the *Kim Hock Sing* struck, is possibly an original discovery, and not laid down on the Chart: at least the local authorities, in reporting the wreck, have very properly forwarded a copy of a part of the Chart of the Mergui Archipelago, with the position of the rock marked on it. It seems to be in a good channel, but whether it is used by any other than small Native craft, I am unable to say.

Not much of geographical interest in the Returns.

14. On the whole, there does not seem to be much of importance deducible from these returns, under the head of Geographical Dangers.

15. *Hydrographical Science*.—This, the *third* head of the enquiry, is intimately connected with the second, because, if the wrecks are found to have occurred by reason of geographical dangers either not being known, or not being accurately laid down on the charts, then it falls within the province of the Hydrographical department to see that mariners are sufficiently warned and guided for the future. But, as remarked in para. 12,

it is not stated in the returns whether the two sunken rocks on the Malabar and Tenasserim Coasts were known to exist, or were laid down on the charts previous to the occurrence of wrecks on them; so that I cannot say whether it is necessary to call attention to the fact. The rock on which the *Kim Hock Sing* was wrecked is thus described in the return:—"The rocks consist of one large rock surrounded by smaller ones; at low-water neap-tides, the rocks are about 3 feet under water. They occupy a circle of about 100 feet in diameter, and are surrounded by deep water from 13 to 15 fathoms. At low-water spring-tides, the rocks are still covered with water." This reads like the description of a rising Coral Reef, but I am not aware that such a formation exists in the Archipelago, the Islands of which consist chiefly of granite and sand-stone.

Wrecks on Eastern Sand, mouth of Rangoon River.

16. The wrecks of the ships *Sirocco* and *Gebroeda Hintman* in April 1865, on the Eastern Sand at the mouth of the Rangoon River, seem to call for some remark under this head. The bearings given would place these ships in sufficient water to float them, in fact in deeper water than is to be found in the entrance channel of the river. I knew this without looking at the Chart; but, since examining these returns, only a few weeks ago, I happened to see an old advertisement of the sale of the *Sirocco* "as she now lies" or did lie, "about 15 miles *north-east* of the Light-ship." The bearing "E. from the Light-ship" was a flagrant error. In his annual Report for 1864-65, Lieutenant Colonel Fraser pointed out how erroneous the charts of the mouth of the Rangoon River had become, owing to the shifting of the sands and channels, and recommended that a new and careful survey should be made. This has been done under the orders of Government, and the channels have been re-buoyed, and the Light-ship shifted to a new position several miles to the south-west, nearer to the China Bakeer, at the entrance to which Colonel Fraser proposed to place one of the two Lighthouses which he considers necessary for this river. The propriety of this position for the site of a Lighthouse, and the necessity of erecting another one to the east of the mouth of the river, are, therefore, now still more evident than they were.

17. *Fourth.—Harbours.*—In the absence of a report of the results of the various enquiries stated to be pending at Bombay, and which might have shown whether anything was defective in the arrangement of the buoys, or whether any obstructions exist in the harbour which are capable of removal, nothing can be said under this head, unless, indeed, to notice the occurrence of a wreck on the "Hastings" Shoal in the Port of Rangoon. The cause is stated to have been a dense fog. This, it seems to me, ought to have brought with it immunity from the dangers of the "Hastings," had not, I presume, the Pilot been rash and over-confident. The "Hastings" Shoal, however, is under consideration, with a view to its removal, a

Wreck of the *Blondell* on "Hastings" Shoal, Rangoon River.

scheme having been propounded by Mr. Leonard, C. E., who was deputed by Government to report upon it. But as I have before remarked, any consideration of wrecks, fairly within rivers, or their causes, seems out of place in this enquiry.

18. *Fifth.—Lighthouses and Beacons.*—No wreck reported in 1864-65 seems to bear on the question of the efficiency, or the want, of Lighthouses, except the wreck of the *Marathon*, 324 tons, on the Krishna Shoal. But indeed this cannot with certainty be known, in the absence of information as to whether the wrecks occurred by day or by night. In a Wreck Report I think that a column showing whether the wrecks occurred during darkness, or during day-light, is an important, and, indeed, indispensable item. The *Marathon* was bound from Rangoon to the United Kingdom, laden with rice, in the month of August 1864, and she was lost on the Krishna Shoal, which lies 70 to 80 miles south-west of the mouth of the Rangoon River. It is not stated at what hour of the twenty-four she ran on the shoal; but the cause is stated to have been "thick, squally weather; no sights obtainable." This shoal is almost at the turning point for vessels making a course between Rangoon and Calcutta. The *Marathon* ought to have had more offing, but had the Lighthouse then existed, which has been proposed by Lieutenant-Colonel Fraser, and is now under construction at home, it would have shown this vessel her position, possibly in time to allow her to haul off, whether by night or day.

19. *Sixth.—Enquiry into causes of wrecks, and punishment for neglect.*—Table VII shows that four wrecks were caused by the neglect or unskilfulness of those in command of the vessels, and three by the fault of the Pilots in charge. From these I would be disposed to deduct the *Margaret Davis*, wrecked by neglect of the Pilot in the River Hooghly, but, if that remains in the list, I would add the *Blondell*, which, as suggested in para. 17, was probably wrecked from the same cause, though the fog bore the blame. That is, either 12 or 16 per cent. of the total wrecks was caused by neglect. And it is highly probable that some of the Bombay cases still, for all I know, "pending enquiry," may be attributable to the same cause.

Enquiry and punishment must be strict and prompt.

20. Where so considerable a proportion of the wrecks is traceable to culpable neglect, it is evident that a strict enquiry into the cause of every wreck, by competent authority, and a prompt and severe punishment following on the decision, must have a beneficial effect. I would suggest that, in future wreck returns, the exact terms or purport of the decision of the Court of Enquiry be quoted, with a reference to dates, and that in cases where the enquiry may still be pending at the date of submission of the report, the next report after the decision is given may contain it:—such reports as those from Bombay, not afterwards supplemented, are quite useless for the purposes of this enquiry.

I do not doubt that the enquiry was satisfactorily carried on and completed, but it would have been easy to have stated the result.

Wrecks of the *Sirocco* and *Gebroeda Hintman.*

21. In the case, however, of the wrecks on the Eastern Sand, Rangoon River, already referred to, it would have been satisfactory to know whether the cause assigned, "believed to be error of chronometers," was really accepted by the Court of Enquiry in its decision. It is scarcely credible that any such errors could have existed as to cause the wrecks of two vessels within a week of each other, and almost in the same spot, within sight of land, and almost directly after dismissing their Pilots. The *Sirocco* was bound from Rangoon to Colombo. She must either have turned in her course, which might have happened from error in her compasses, or must have steered, or drifted, in a direction opposite to her course, from the moment of leaving the outer buoy, and when in full sight of the land, or in soundings which ought to have guided her. In the same way, the *Gebroeda Hintman*, bound to Penang, must have turned at least at right angles to her course. There was no stress of weather. The North-west monsoon did not burst until several days after these wrecks occurred. I think that these, and other cases I have referred to, will show the necessity of enforcing greater precision and definitiveness in the preparation of these returns, if they are to be of any use for the purposes of a Wreck Chart. I would suggest also whether the form prescribed might not be amplified, and whether the local departments who receive them might not scrutinize them before forwarding them to the Government of India, and call for explanation or further information where it may seem to be wanting.

Necessity of improvement in the accuracy and completeness of the monthly returns.

22. It will be seen that several Native craft have been wrecked owing to the ignorance or neglect of Natives in charge. I am not aware whether any test either of the competency of the men in charge, or of the seaworthiness of the vessel, is exacted by Government in the case of Native craft carrying the British flag. But the necessity for some such precautions is, I think, evident from the fact that one small vessel, of only 34 tons, had *more* than 11 lives to lose, for the Master escaped, and was then (query, then only?) pronounced incompetent, and that from another vessel of but 166 tons, the *Sarah Armitage*, which was wrecked in June 1864, on the Coast of Ceylon, from neglect to keep a proper log, no less than 426 lives were saved.

Remarks on Tables.

23. I shall now conclude by a few remarks upon the facts brought out in the accompanying Tables. Table I shows the monthly returns which have been received, and the number of wrecks reported in each. From Bengal, returns have been received through the Master Attendant in Calcutta from 5 Districts, *viz.*, Chittagong, the Sand Heads, Balasore, Cuttack, and Pooree. The returns

from Chittagong, Cuttack, and Pooree are all blank; only 4 wrecks are reported by the Master Attendant for the Sand Heads, and the Hooghly (including the effects of the Cyclone), and one from Balasore. The returns for April 1865 are wanting for all five Stations, and the returns from Cuttack for December 1864, and from Pooree for March 1865, are also wanting. As mentioned in para. 4, the Home Department has been requested to procure these, and also to supplement the information with regard to the effects of the Cyclone.

Bombay.

24. The returns from Bombay have not been submitted on any system. They should either be returns of all wrecks, the particulars of which have been received during a certain month, or of all wrecks which actually occurred during that month. But sometimes one plan has been adopted, and sometimes the other. The Report of the wreck of the *Glen Sannox* on the 12th March is dated 13th idem, when, of course, enquiry into the cause had not been made, and the cargo, coals, is reported as being still on board. As no further information is given in the return for April (which only reports a wreck in June 1864), this report is nearly useless. I have already (para.12) remarked on the incompleteness as regards the item "cause of wreck." The localities of two of the eight wrecks reported cannot be shown on the Chart. The "Kooria Mooria" Islands, on which the *Rory O'More*, 296 tons, was wrecked on her voyage from Bombay, are not in Indian waters, and I question whether this wreck ought to have been included in a Bombay Return merely because the vessel sailed from Bombay. The *Fuluk Sadon* is said to have run on shore in the Gulf of Cambay, but the place mentioned, Vaux Tomb, is not to be found in the Chart. I beg to suggest that, in future, the latitude and longitude be invariably given. The longitude is given for one wreck, that of the *Lord Brougham*, 1078 tons, on the Cheribiane Reef, Laccadive Islands, but incorrectly by a degree. The Chart shows the "Cherepani" Reef to be in 71° 43′ *E.*, and not 70° 43′ *E.*, as in the return.

Madras.

25. The Madras returns hardly call for any remark, having been carefully prepared. But the return for August 1864 is wanting, and in the return for April 1865, the cause of the wreck of the *Angela Burdett Coutts*, 599 tons, at the mouth of the River Kistna, is not stated.

British Burmah.

26. From British Burmah the return for October 1864 is wanting. I applied for it before leaving Rangoon, but have not yet received it. The Secretary to the Chief Commissioner, who submits the returns, states that no returns were received from the Tenasserim Division for March or April 1865, and none from Arrakan for April 1865; so that a doubt rests on the completeness of the general returns for those months.

Ceylon.

27. From Ceylon separate returns were at first received from the 3 Ports of Colombo, Galle, and Trincomalee; but latterly one general return only was submitted by the Superintendent of Wrecks at Colombo.

Straits Settlements.

28. From the Straits Settlements blank returns have been received for 11 months: that for March 1865 is wanting. I have included in the tables the wreck of the French Messageries Imperiales Company's Steamer *Hydaspe* in November 1864, an account of which I extracted from a newspaper at the time. But I am led to doubt whether it occurred in British waters, as the return for November is blank.

Table II.

29. In Table II, and Abstracts III, IV, and V, I have attempted to give in a tabular form a general statement of all the wrecks for the year, the total tonnage wrecked, and the total loss of cargo and lives; but the incompleteness of the returns renders the results arrived at of little real value. For instance, the total loss of life, excluding the "several" lives reported from Calcutta in March 1865, amounts to 47. But that is believed to be only about one-seventh of the loss in one ship alone, the S. S. *Persia*, during the Cyclone in October 1864. Again, the tonnage of eight vessels, or 16 per cent. of the whole number wrecked, is not given.

Impossible to give estimate of value of cargo lost.

30. Lieutenant-Colonel Fraser, in his letter to Major Oliphant (Annexure A), said that one of his objects should be to give an estimated statement of the probable value of property destroyed. I do not see how this is to be done in the absence of any information as to the quantities of each cargo, or of the quantities of the different items of a general cargo. Did I know these quantities, I might, by assuming rates, arrive at a rough estimate. But information as to the actual quantities of goods on board each vessel must be furnished by the returning Officers before any thing of the sort can be attempted. As the value of the property lost by shipwreck is undoubtedly a point of interest, and would be an important feature in a report on wrecks, I beg to suggest that information on this head be required in future.

But important to have such an estimate.

Table VI. Classification of tonnage.

31. Table VI shows the tonnage of all the vessels wrecked, classified by hundreds. Eleven vessels, of the fifty wrecked, were under 200 tons, all Native craft, except, perhaps, the coasting steamer *Johnstone Castle*. Were it not that they carry so many passengers, and thus risk so many lives, vessels of this class might be excluded from the Chart, or dealt with separately, because their chances of safety must be near the *minimum*. It will be seen that the tonnage of 3 was below 100, and went so low as 30 tons. I imagine that no insurance could be effected on these, nor, perhaps, on many of those above 100 and

under 200 tons. Native craft, however, sometimes range higher; two were wrecked which were between 300 and 400 tons, and one, the *City of Poonah* an *Arab* vessel, which was 800 tons, might be styled a *Native* vessel, if it was commanded by Natives; but there is no information on this point. The total tonnage of the 42 wrecks, as to which information on this head is furnished, was 22,343, giving an average of 532 tons. As already mentioned, the tonnage of eight vessels is not reported, but adding at the average rate, we have a total tonnage, for 50 vessels wrecked, of 26,599.

Total tonnage wrecked.

32. In Table VII, I have classified the causes of wreck. *Stress of weather*, of course, holds the first place, giving 27 wrecks, or 54 per cent. To these would probably fall to be added several of the eight wrecks whose cause is not reported. Under *mishap*, which comes next, giving 9, I have included wrecks from causes apparently beyond control, such as fire, sunken rocks, missing stays, error of chronometers, and leaks. I have already thrown doubt on the propriety of attributing two of these to error of chronometers; but, on the other hand, probably one or more of those wrecks whose cause is not reported would fall to be classed under *mishap*.

Table VII. Causes of wreck. Stress of weather.

Mishap.

33. Under these heads, two wrecks are remarkable, those of the *Oliva* and *Hydaspe*. The cause of the former, "ignorance of the Chief Officer, who allowed the ship to drift," may be accepted, if it means "ignorance of current or tides," but I should think "neglect" would be a better term to give it. In this case especially, it ought to have been stated whether the wreck occurred in daylight or darkness. The wreck of the *Hydaspe*, which was run ashore at full-speed, in daylight, was a most flagrant case, but as it is doubtful whether it was in British waters, nothing more need be said.

Neglect or unskilfulness.

34. The only other point in the tables worthy of notice, is the number of vessels sailing under each flag. Including Native craft, 76 per cent. of the whole were British; 10 per cent. French (tonnage of 3 = 1,915, tons of 2 not stated); 4 per cent. American (tonnage 1,164); 4 per cent. Bremen (tonnage 825); 2 per cent. Hamburg (tonnage not stated); 2 per cent. Dutch (tonnage 450); and 2 per cent. unknown (tonnage also unknown).

Flags of vessels wrecked.

35. In conclusion, it may be thought that this Report is somewhat too long, but I have found much to comment on as regards the incompleteness of the materials I had to work with, and many suggestions to make with regard to the preparation of Wreck Returns for the future: if these suggestions should meet with the approval of Government, the preparation of future Reports will be a comparatively simple matter.

C. W. HOPE,

Exec. Engr., British Burmah.

I.

COASTS OF BRITISH INDIA AND CEYLON.

Wreck Chart.

Table shewing Monthly Returns received from Governments and Provinces, and number of Wrecks for the year, 1st May 1864 to 30th April 1865.

1864-65.	Bengal.					Bombay.	Madras	British Burmah.			Ceylon.			Straits Settlements.	Total Wrecks in each Month.
Month.	Chittagong.	Sandheads, Mouth of Hooghly.	Balasore.	Cuttack.	Pooree.			Arracan.	Pegu.	Tenasserim.	Galle.	Colombo.	Trincomalee.		
1864.															
May ...	Blank	Blank	1	Blank	Blank	Blank	Blank	Blank	Blank	Blank	Blank	Blank	Blank	Blank	1
June ...	,,	,,	Blank	,,	,,	1 Reported in April 1865	2	,,	1	2	,,	1	,,	,,	7
July ...	,,	,,	,,	,,	,,	1 Reported in Jany. 1865	1	3	1	1	,,	Blank	,,	,,	7
August ..	,,	,,	,,	,,	,,	Blank	Not received.	1	1	2	1	1	1	,,	7
September ...	,,	,,	,,	,,	,,	,,	1	Blank	Blank	Blank	Blank	Blank	Blank	,,	1
October ...	,,	3	,,	,,	,,	,,	2	Not received.			,,	,,	,,	,,	5
November ...	,,	Blank	,,	,,	,,	1	5	Blank	Blank	1	,,	1	,,	Do. received 1 (taken from Newspapers).	9
December ...	,,	,,	,,	Not received.	,,	Blank	Blank	,,	,,	Blank	,,	Blank	,,	Blank	0
1865.															
January ...	,,	,,	,,	Blank	,,	3	,,	,,	,,	,,	1	1	,,	,,	5
February ..	,,	,,	,,	,,	,,	Blank	,,	,,	1	,,	Blank	Blank	,,	,,	1
March ...	,,	1	,,	,,	Not received.	2	,,	,,	1	,,	,,	,,	,,	,,	4
April ...	Not received.	Not received.	Not received.	Not received.	,,	Blank	1	,,	2	,,	,,	,,	,,	,,	3
Total	1 Return not received.	4 1 Return not received.	1 1 Return not received.	2 Returns not received.	2 Returns not received.	8	12 1 Return not received.	4	7	6	2	4	1	1	50 9 Returns not received.
								1 Return not received.							

II.

Table of Wrecks reported in each month, from May 1864 to April 1865, by the several Governments and Administrations in British India and Ceylon, showing Name, Flag, and Tonnage of Vessels, nature of Cargo, locality of Wreck, cause (briefly) and loss of Lives and Cargo.

Government or Province.	Name of Vessel.	Flag.	Tonnage.	Nature of Cargo.	Locality of Wreck.	Cause of Wreck stated briefly, as gathered from Returns.	Lives lost.	Cargo lost.	Remarks.
				MAY 1864.					
Bengal	"Juggurnath Prosad"	British	86	Ballast	Mojeebat Sand	The vessel was old and leaky.	None	None	
Total for May	1	...	86	... ...	... ...	... ...	None	None	
				JUNE.					
Bombay	"Fuluk Sadon" ..	British ...	368	General	Gulf of Cambay	Ran on shore. Pending enquiry ...	Unknown	Part	
Madras.	"Futtanassary" ...	Do. (Brig)	149	Ballast	Reef between Manalle and Mossel Island.	Heavy gale blowing. Ran ashore from mistaking Manalle for Mossel Island.	None	Vessel got off	
	"Alma"	Do. ...	250	Rice, sugar, and sundries	Shore, 10 miles south of Madras.	Driven on shore by bad weather. Commanded by a Native.	"	Total	
British Burmah.	"Aloe"	Do. ...	1,023	Rice and cutch ...	Porian Shoal, mouth of Bassein River.	Want of caution in Pilot proceeding at night.	"	Total	
	"Alliance"	Do. ...	598	Ballast	Goodwyn Sand, mouth of Moulmein River.	Broke off in a squall after dusk.	"	None	
	"Lady Blaney" ...	Do. ...	885	Timber	Ditto	Broke off in a thick squall. Vessel drawing 22 feet. Vessel and cargo in her recovered by purchasers on 12th July 1864.	"	"	
Ceylon	"Sarah Armitage" ..	Do. ...	166	Ballast	Reef of rocks, mouth of Chillan River, West Coast	Neglect to keep proper Log. Four hundred and twenty-six lives saved.	3	"	
Total for June ...	7	..	3,439	...	... ...	... ...	3	2 Total 1 Part	

JULY.

Bombay	"Marie Catherine" ..	French ...	600	General	Thull Shore, 4 miles south-east of Kennery Island.	Bad weather. Anchored, dragged, and drifted on beach.	1	None	
Madras	Brig "Margarethe" ...	Bremen ...	201	Coals and machinery	Coast, 10 or 11 miles north of Bendamoor-umba River.	Thick weather, observations could not be taken.	None ...	Total ...	Left Madras the day previous; wrecked in Lat. N. 16° 27′, Lon. E. 82°-5′.
British Burmah.	"Futteh Rohoman" ..	British ...	138	Ballast	Shore near village of Shaikhama.	Gale of wind. Position not known. Got among rocks.	" ...	Ship's stores lost.	20 lives reported saved. Possibly some loss.
	"Moulmein" ...	Do. ...	305	Timber	30 to 40 miles west of Amherst.	Foundered at sea in 10 fathoms ...	8	Total ...	Timber belonged to Government; going to Port Blair.
	Brig "Akeel Baber" ...	Do. ...	About 190	Ballast	Near mouth of Arracan River.	Westerly gale. Parted cables and drove ashore.	None	None ...	Register lost.
	Barque "Bux Samadanee" ...	Do. ...	About 380	Cocoanut-oil, coir-ropes, and yarn, Rs. 7,500 ...	On beach, 3½ miles north of Myo River.	Ditto	"	None, but damaged. Rupees saved.	
	"Hydaspes"... ...	Do. ...	595	Timber and cutch...	Western Spit, Elephant Point, Rangoon River.	Capsized suddenly, owing to unskilfulness and neglect of Pilot.	3	None	
Total for July ...	7	...	2,409	.....	... ...	... ...	12	2 Total	

AUGUST.

British Burmah.	"Storm Cloud" ..	British ...	797	Rice	Peaked rocks at entrance of Arracan River	Working out of Akyab, missed stays, and came ashore with a stern-board.	None	Total	Captain and Pilot tried and acquitted.
	"Marathon" ...	Do. ...	324	Rice	Krishna Shoal	Thick squally weather, could not get sights.	"	Total	
	"Australia"... ...	American ...	534	Timber	Goodwyn Sand ...	No sheerage way from weighing anchor till grounding.	"	None ...	Vessel, with cargo in her, recovered by purchasers, 25th August 1864.
	"China"	British ...	641	Do.	Mergui Archipelago ...	Sprung a leak in stern, became water-logged, and was abandoned at sea.	"	Total ...	Since gone to pieces on an Island, and part of cargo recovered.
Carried over ..	4	...	2,296	.....	.....	.....	...	3 Total	

Table of Wrecks, &c.—(continued).

Government or Province.	Name of Vessel.	Flag.	Tonnage.	Nature of Cargo.	Locality of Wreck.	Cause of Wreck stated briefly, as gathered from Returns.	Lives lost.	Cargo lost.	Remarks.
				AUGUST.—*(continued).*					
Brought forward	4	...	2,296	.....	.....	...	...	3 Total	
Ceylon	"Oliva"	British ...	1,154	Ballast	On a ledge of rocks on shore 4 or 5 miles north of Colombo.	Ignorance of Chief Officer, who, being in charge, allowed vessel to drift.	None	None ...	The bearings given in Return will not meet on Chart.
	Dhoney "Samotradareey" ...	Do. ...	34	Paddy and sundries	Edean Pulla, 16 miles S. E. from Trincomalee.	Incompetency of the Master ...	11	Part ..	Master declared incompetent to be trusted again.
	Brig "Samadanee" ...	Do. ..	106	Sundries	Catta Rocks in Galle Harbour.	When hauling into better berth, warp parted, and she struck before anchors held.	None	Part ...	Heavy sea. Vessel foundered before she could be beached.
Total for August	7	...	3,590	...	.....	.....	11	3 Total. 2 Part	
				SEPTEMBER.					
Madras	Ship "Humboldt" .	Bremen ...	624	Rice	Coast 2 miles north of Gopalpoor or Munsoor Cottah.	Heavy swell rolling; cable parted, or anchor dragged.	None	Total	Total wreck.
Total for Sept. ...	1	...	624	...	.....	.....	None	1 Total	

OCTOBER.

Bengal ...	S. S. "Persia" ...	British ...		General	Supposed to have foundered about 70 miles E. of E. channel Light Ship.	The Cyclone	Not reported.	Total ...	Report very imperfect.
	"Krishna," Light Ship	Do. ...		Floating Light Ship	Supposed to have foundered on 5th October 1864.	Ditto	Do.		Ditto ditto.
	"Hope," Light Ship.	Do. ...		Do. ...	Ditto ditto ...	Ditto	Do.		Ditto ditto. Master Attendant, Calcutta, reports other Vessels lost; no particulars at present, 14th November 1864.
Madras ...	Brig "Gold Digger."	Native ...	182	Cocoanuts, &c., and ballast.	On Coast, a little south of Dugarzupatnam.	Driven on ashore in gale of wind ...	None	...	Rs. 6,000 saved, Vessel chiefly, no ballast.
	Barque "Petri Anna."	French ...	297	General, nearly full.	Abreast Saluting Battery, Fort St. George.	Driven on shore by heavy squall from North-East; parted from her anchors.	None	Part ...	Some lives saved by aid of Manby's apparatus.
Total for October.	5	...	...	.....	.....	.....	None	1 Total 1 Part	

NOVEMBER.

Bombay	"Rory O'More" ...	British ..	296	Ballast	Jibli, one of the Kooria Mooria Islands.	Parted her cable and drove ashore ...	None	Part ...	Not reported till February 1865.
Madras .	"City of Poona" ...	Do. (Arab vessel).	800	Salt	Bimlipatam beach ..	Gale from N. E. to S. E.	9	Total ...	Drifted ashore in spite of two anchors.
	"Stree Augeneyaloo."	Do.	359	None	Vizagapatam beach ...	Parted from anchor and blown on shore.	None	None ...	Had returned from sea leaky, and discharged cargo.
	"Stree Ramloo" ...	Do.	30	Rice	Ditto ...	Water-logged, blown ashore	1	Total ...	Syrang drowned; 7 saved by Catamaran men.
	"Stree Vencataswerloo"...	Do.	213	Ballast and Rs. 1,600.	A little south of Oopadah Lighthouse.	Drifted with 2 anchors down in very heavy gale from N. E.	5		
	"Scinde"	French ...	1,018	Ballast	Bimlipatam beach ...	Gale from N.-E. to S.-E., was riding to 4 anchors.	None	None ...	Crew 30, saved by Catamaran men.
Carried over ...	6	...	2,357	.....	.....	.....	15	2 Total 1 Part	

Table of Wrecks, &c.—(continued).

Government or Province.	Name of Vessel.	Flag.	Tonnage.	Nature of Cargo.	Locality of Wreck.	Cause of Wreck stated briefly, as gathered from Returns.	Lives lost.	Cargo lost.	Remarks.
				NOVEMBER,—*(continued)*.					
Brought forward...	6	...	2,357	.....	.....	.....	15	2 Total 1 Part	
British Burmah .	"Kim Hock Sing."	British .	118	General	Invisible Rock, Mergui Archipelago, South-east of Gregory's.	While tacking	None ...	Nearly Total.	This rock is in Lat. N. 10° 36′ 25″, Lon. E. 98° 25′ 30″.
Straits Settlements	Steamer "Hydaspe"...	French ..	...	...	North-east end of Pan Shoal, at entrance to Rhio River, 20 miles East of Singapoor.	Ran ashore at full speed in broad daylight and clear weather two hours after leaving Singapoor for Java.	None ...	Total...	Messageries Imperiales Steamer; abandoned and sold for 2,000 dollars. Report taken from *Straits Times* 10th December 1864.
Ceylon ...	Name unknown ...	Unknown ..	900	Unknown	On spur of a Coral Reef East south-east of Foul Pt. Lighthouse, distant 1 mile.	Stress of weather	Unknown ..	Unknown.	
Total for Novr....	9		3,375	...	...	.....	15	4 Total 1 Part	These all incomplete, the particulars of 2 ships being unknown.
				DECEMBER.					
				Nil.					
				JANUARY 1865.					
Bombay ...	"Sydenham" ...	British ...	1,236	Ballast	Grounded on South-West Prong entrance of Bombay Harbour.	Pending enquiry	None	None ..	Grounded before Pilot could get on board.
	Steamer "Johnston Castle."	Do. ...	131	General	Sunken rock 1½ mile west of Melunda Fort, Malabar Coast.	Not stated	None	None	
	Pattamar "Dustagury."	Unknown ...	Unknown.	Brandy, Piece Goods, Yarns, &c.	Off Carwar Gungawallee Bunder.	Sprung a leak	2 missing	Unknown	

Ceylon ...	"Charles deNantes"...	French ...	Unknown.	Cargo	Venloos Bay	Stress of weather	Unknown	Total	
	"Lochee"	British ...	1,500	Coal	Burned 20 miles south of Galle.	Spontaneous combustion in cargo ...	2	Total ...	43 lives saved.
Total for Jan.	5	.....	2,867	.....	.....	.....	4	2 Total	

FEBRUARY.

British Burmah	"Blondell" ...	American ...	630	Rice	Hastings Shoal in river 2 miles below Rangoon.	Dense fog	None	Part ...	Wreck since removed; doubtful whether this wreck being in river ought to be included.
Total for Feb. ...	1	.....	630	.....	.....	.....	None	1 Part.	

MARCH.

Bengal	Barque "Margaret Davis" .	British ...	271	General	Middle Point Bar, Hooghly River.	Default of Pilot	Several	Total ...	Ought this wreck to be included, being in river?
Bombay ..	"Lord Brougham" ..	Do.	1,078	General	Cheribrane Reef, Laccadive Islands.	Pending enquiry	None	Total ...	Lat. 11° 54′ N. Lon. 70° 40′ E.
	"Glen Lennox" ..	Do	1,200	Coals	South-West Prong entrance to Bombay Harbour.	Ditto	None ..	Still on board.	12th March. 200 yards from spot where "Sydenham" wrecked. Report dated 13th March 1865; too soon.
British Burmah...	"Anna"	Hamburg ...	...	Ballast	At Sea Lat. N. 15° 53′ Lon. E. 96° 26′	Not stated	None	None	
Total for March...	4	...	2,549	.....	.....	.....	Several...	2 Total	

Table of Wrecks, &c.—(continued).

Government or Province.	Name of Vessel.	Flag.	Tonnage.	Nature of Cargo.	Locality of Wreck.	Cause of Wreck stated briefly, as gathered from Returns.	Lives lost.	Cargo lost.	Remarks.
				APRIL.					
Madras ...	"Angela Burdett Coutts" ...	British ..	599	Porter, Ale, and Railway stores.	Spit S. of entrance to Humsuldivy branch of River Kistna.	Not stated ...	None	None	Cargo being saved.
British Burmah	"Sirocco" ...	Do. ...	1,246	Ballast ...	Eastern Land 14 miles East of Rangoon Light Ship.	Supposed to be error of Chronometers	None	Total...	Bearing must have been N. of E., or else distance wrong. An advertisement of sale of wreck says 15 miles north-east.
	"Gebroeda Hintman"	Dutch ...	450	Ballast ...	Ditto 13 miles east of Light Ship.	Ditto ...	2	Total...	Ditto. British Burmah district Returns not complete for March and April.
Total for April...	3	.....	2,295	.....	.....	.....	2	2 Total	

III.

Abstract of Wrecks reported from the several Governments and Administrations in British India and Ceylon in each month, from May 1864 to April 1865, shewing number of Wrecks, Tonnage, number of Cargoes, number of Cargoes lost, and number of Lives lost.

Month.	Governments.	Number of Wrecks.	Tonnage.	Number of Cargoes.	Number of Cargoes lost.	Number of Lives lost.	Remarks.
1864.							
May ...	Bengal ...	1	86	...	...	...	
	Bombay	...	...	...	...	...	
	Madras ...	...	...	...	...	...	
	British Burmah	...	...	...	...	...	
	Straits Settlements	...	...	...	...	...	
	Ceylon ...	...	...	...	...	...	
	Total ...	1	86	...	...	...	
June ...	Bengal ...	...	...	...	...	...	
	Bombay	1	368	1	Part.	...	Loss of lives unknown.
	Madras ...	2	399	1	1	...	
	British Burmah	3	2,506	2	1	...	
	Straits Settlements	...	...	...	...	...	
	Ceylon ...	1	166	...	...	3	
	Total ...	7	3,439	4	3	3	Partial loss of 1 cargo.
July ...	Bengal ...	...	...	...	...	...	
	Bombay	1	600	1	...	1	
	Madras ...	1	201	1	1	...	
	British Burmah	5	1,608	3	1	11	
	Straits Settlements	...	...	...	...	...	
	Ceylon ...	...	...	...	...	...	
	Total ...	7	2,409	5	2	12	

Abstract of Wrecks reported from the several Governments and Administrations in British India and Ceylon in each month, from May 1864 to April 1865, &c.—(continued).

Month.	Governments.	Number of Wrecks.	Tonnage.	Number of Cargoes.	Number of Cargoes lost.	Number of Lives lost.	Remarks.
1864.							
August ...	Bengal ...	...	...	...	...	...	
	Bombay	...	...	...	...	...	
	Madras ...	...	...	...	...	...	No Return received.
	British Burmah	4	2,296	4	3	...	
	Straits Settlements	...	...	...	...	...	
	Ceylon ...	3	1,294	2	2	11	Partial loss of cargoes.
	Total ...	7	3,590	6	5	11	
September...	Bengal ...	...	...	...	...	...	
	Bombay	...	...	...	...	...	
	Madras ...	1	624	1	1	...	
	British Burmah	...	...	...	...	...	
	Straits Settlements	...	...	...	...	...	
	Ceylon ...	...	...	...	...	...	
	Total ...	1	624	1	1	...	
October ...	Bengal ...	3	Not stated.	1	1	Not stated	The Great Cyclone.
	Bombay	...	...	...	...	...	
	Madras ...	2	479	2	2	...	Partial loss, and Rs. 6,000 saved.
	British Burmah	...	...	...	...	...	
	Straits Settlements	...	...	...	...	...	
	Ceylon ...	...	...	...	...	...	
	Total ...	5	479	3	3	...	

November...	Bengal ...	...	...	...	...	
	Bombay	1	296	...	...	
	Madras ...	5	2,061	2	2	15	
	British Burmah	1	118	1	1	...	
	Straits Settlements	1	Not stated.	1	1		Report taken from Newspaper.
	Ceylon	1	Say 900	Unknown.	Unknown.	Unknown.	
	Total ...	9	3,375	4	4	15	Totals imperfect.
December...	Bengal ..	...	..	...	...	...	
	Bombay	...	...	...	...	...	
	Madras ...	.	...	...	...	...	
	British Burmah	...	...	...	...	..	
	Straits Settlements	...	...	...	...	...	
	Ceylon ...	...	...	...	...	...	
	Total ...	...	...	...	...	...	
1865. January ...	Bengal ...	..	...	...	...	...	
	Bombay...	3	1,367	2	...	2	1 incompletely reported.
	Madras ...	.	...	...	...	.	
	British Burmah	...	...	..	...	...	
	Straits Settlements	..	...	...	...	..	
	Ceylon ...	2	1,500	2	2	2	1 incompletely reported.
	Total ...	5	2,867	4	2	4	Totals imperfect.
February ...	Bengal ...	..	...	..	...	...	
	Bombay...	...	..	...	...	...	
	Madras ...	...	...	...	...	...	
	British Burmah	1	630	1	1	...	Partial loss of cargo; wreck in Rangoon River.
	Straits Settlements	...	...	...	...	...	
	Ceylon ...	...	...	...	...	...	
	Total ...	1	630	1	1	...	

Abstract of Wrecks reported from the several Governments and Administrations in British India and Ceylon in each month, from May 1864 to April 1865, &c.,—continued.

Month.	Governments.	Number of Wrecks.	Tonnage.	Number of Cargoes.	Number of Cargoes lost.	Number of Lives lost.	Remarks.
1865.							
March ...	Bengal	1	271	1	1	Several.	
	Bombay	2	2,278	2	1	.	Cargo of one still on board.
	Madras	...	...	...	...	...	
	British Burmah	1	...	...	...	...	
	Straits Settlements	No Return received.					
	Ceylon	...	...	..	...	...	
	Total ...	4	2,549	3	2	Several.	Totals incomplete.
April ...	Bengal	No Return received.					
	Bombay...	.	...	...	...	...	
	Madras	1	599	1	...	...	
	British Burmah	2	1,696	...	...	2	
	Straits Settlements	...	...	...	...	...	
	Ceylon	...	...	...	...	...	
	Total ..	3	2,295	1	...	2	Totals incomplete.

No. IV.

Abstract of total Wrecks reported in each month of year, 1st May 1864 to 30th April 1865.

Months.	Number of Wrecks.	Tonnage.	Number of Cargoes.	Number of Cargoes lost.	Number of Lives lost.	Remarks.
1864.						
May	1	86				
June	7	3,439	4	3	3	
July	7	2,409	5	2	12	
August	7	3,590	6	5	11	Incomplete
September	1	624	1	1	...	
October	5	479	3	3	...	Very incomplete : the "Great Cyclone" month.
November	9	3,375	4	4	15	Incomplete.
December						
1865.						
January	5	2,867	4	2	4	Incomplete.
February	1	630	1	1	...	Wreck in river.
March	4	2,549	3	2	Several	Incomplete.
April	3	2,295	1	..	2	Ditto.
Total	50	22,313	32	23	47	

No. V.

Abstract showing total Wrecks reported by each Government or Administration, from 1st May 1864 to 30th April 1865.

Governments	Number of Wrecks.	Tonnage	Number of Cargoes.	Number of Cargoes lost	Number of Lives lost.	Remarks.
Bengal	5	357	2	2	Several	Very imperfect.
Bombay	8	4,909	6	2	3	
Madras	12	4,263	8	7	15	
British Burmah ...	17	8,854	11	7	13	
Straits Settlements ...	1	Not stated	1	1	..	
Ceylon	7	3,860	4	4	16	
Total ...	50	22,313	32	23	47	

Abstract showing classification of Tonnage of Ve

Under 100 Tons.		Above 100 and under 200 Tons		Above 200 and under 300 Tons.		Above 300 and under 400 Tons.		Above 400 and under 500 Tons.		500 to 600 Tons.		600 to 700 Tons.		700 to 800 T
"Juggernath Prosad"	36	"Tattanassary"	149	"Alma"	250	"Futtalo Sadon"	368	"Gebroeda Hintman"	450	"Alliance" ..	598	"China" ..	641	"Storm Cloud"
Dhoney "Samotradaveseey" .	34	"Sarah Armitage"	166	"Margarethe"	201	"Maulmain"	305			"Marie Catherine ...	600	"Humboldt"	624	"City of Poonah" ..
"Stree Ramloo"	30	"Futteh Rohoman"	138	"Petri Anna"	207	"Bux Samadanee" ...	380			"Hydaspe"	505	"Blondell"..	630	
		"Akeel Baber" ..	190	"Rory O'More"	296	"Marathon"	324			"Australia"..	534			
		"Samadanee" ..	106	"Stree Venkataswerloo"	313					"Angela Burdett Coutts"	599			
		"Gold Digger"	182	"Margaret Davis"	271									
		"Kim Hock Sing" .	118											
		"Johnstone Castle"	131											
3	150	8	1,180	6	1,528	4	1,377	1	450	5	2,026	3	1,895	2

VI.

wrecked on Coasts of British India and Ceylon, 1864-65.

800 TO 900 TONS.		900 TO 1,000 TONS.		1,000 TO 1,100 TONS.		1,100 TO 1,200 TONS.		1,200 TO 1,300 TONS.		1,300 AND UPWARDS.		TONNAGE NOT STATED.
"Lady Blancy"	865			"Aloe"	1,023	"Oliva" ..	1,154	"Sydenham"	1,236	"Lochee" .	1,500	"Persia."
Not known	900			"Scinde" .	1,018	"Glen Lennox" ..	1,200	"Sirocco" ...	1,246			"Krishna."
				"Lord Brougham" ..	1,078							"Hope."
												"Stree Angeneyaloo."
												"Hydaspe."
												"Pattamar Dustagury."
												"Charles de Nantes."
												"Anna."
2	1,765			3	3,119	2	2,354	2	2,482	1	1,500	

No. of Wrecks.	Tonnage.
42	22,341

No. VII.

Table showing causes of Wrecks reported in 1864-65.

	I. Wrecks owing to stress of weather.		II. Wrecks owing to neglect or unskillfulness on part of those in command.		III. Wrecks owing to unskillfulness or neglect of Pilots.		IV. Wrecks owing to mishap.		V. Wrecks, the cause of which not stated, or said to be "pending enquiry."	
	Names of Vessels.	Tonnage.	Names of Vessels.	Tonnage.	Names of Vessels.	Tonnage.	Names of Vessels.	Tonnage.	Names of Vessels.	Tonnage.
1864.										
May ...	"Juggernath Prosad" ...	86	"Sarah Armitage" ..	166	"Aloe"	1,023	"Storm Cloud"	797	"Futtalo Sadon" ...	368
June ...	"Tattanassary"	149	"Oliva"	1,154	"Hydaspe"	595	"Australia"	534	"Sydenham" .	1,236
	"Alma"	250	"Shamotradareey" ...	34	"Margaret Davis" ...	271	"China"	641	"Str. Johnstone Castle"	131
	"Alliance"	598	"Hydaspe"	..			"Shamadanee"	106	"Lord Brougham" ...	1,078
	"Lady Blaney"	885					"Kim Hock Sing" ...	118	"Glen Lennox" ...	1,200
July ...	"Marie Catherine"	600					"Pattamar Dustagury" ...	Unknown	"Anna (B. B)"	
	"Margarethe"	201					"Lochee, burned" ...	1,500	"Angela Burdett Coutts" (Madras) ...	599
	"Futteh Rohoman"	138					"Sirocco"...	1,246		
	"Maulmain"	305					"Gebroeda Hintman" ..	450		
	"Akeel Baber"	190								
	"Bux Shamadanee"	380								
August ...	"Marathon"	324								
September ...	"Humboldt"	624								
October ...	"Persia, S. S."	...								
	"Krishna," Light Ship	...								
	"Hope" Do....	..								
	"Gold Digger"	182								
	"Pétri Anna"	297								
	"Rory O'More"	296								
November ..	"City of Poonah"	800								
	Stree Angeneyaloo	...								
	"Stree Ramloo"	30								
	"Stree Vencataswerloo"	213								
	"Scinde"	1,018								
	Unknown, at Ceylon	900								
December	None.									
1865.										
January ...	"Charles de Nantes"...									
February ...	"Blondell" (fog) in River	630								
March ..	None.									
April ...	None.									
Total	... 27	9,096	4	1,354	3	1,889	9	5,392	7	4,612

ABSTRACT.

Stress of Weather	27	9,096
Neglect of Officers or Crew ...	4	1,354
" of Pilots	3	1,889
Mishap	9	5,392
Not stated, or pending enquiry ...	7	4,612
Total ...	50	22,343

C. W. HOPE,
Exec. Engr., British Burmah,
for LIEUT.-COL. A. FRASER, C. B., R. E.,
Superintendent of Light house.

HOME DEPARTMENT.

TRANSMISSION OF TELEGRAPH MESSAGES BETWEEN CONSTANTINOPLE AND FAO.

From the Acting Secretary to Government Bombay, to the Secretary to the Government of India, Home Department,—(dated Bombay Castle, 5th November 1866.)

I am directed to transmit the accompanying copy of a letter from the Director, Mekran Coast and Sub-marine Telegraph, submitting one from the Traffic Manager with statistics showing the manner in which messages were transmitted between Constantinople and Fao from January to July of the present year, and the time they occupied in transmission from January to April.

From H. J. WALTON, ESQ., Director, Mekran Coast and Sub-marine Telegraph, to Actg. Secy. to the Government of Bombay,—(No. 1041, dated 16th October 1866.)

No. 1125, dated 15th October 1866.

I have the honor to submit an interesting letter from the Traffic Manager with statistics which I think clearly prove that the Ottoman Telegraph Department continues to improve in efficiency, and that the greater number of the delays in through messages occur between England and Constantinople.

From A. BRASHER, ESQ., Traffic Manager, to the Director, Mekran Coast and Sub-marine Telegraph,—(No. 1125, dated 15th October 1866.)

I have the honor to report that the accompanying Traffic Statistics showing the manner in which messages were transmitted between Constantinople and Fao from January to July of the present year, and the time they occupied in trasnsmission from January to April, reached me by the Mail before last from Constantinople; I have continued the "time occupied" to July from records in this Office so as to make the whole complete.

2. It will be seen that while the transmission through Turkey has very much improved, the transmission through Europe has very much deteriorated. During the seven months referred to, messages averaged three days and ten hours from London to Constantinople, and twenty-two hours only from Constantinople to Fao. As the distances are about equal, the speed through Turkey was four times as great as through Europe.

STATISTICS.

Number of Messages during the seven months ending 31st July 1866.

MONTHS.	TO INDIA.	FROM INDIA.	TOTAL.
January	820	1,174	1,991
February	992	1,008	2,000
March	1,212	1,220	2,432
April	1,817	1,172	2,989
May	1,947	1,089	3,036
June	1,343	1,251	2,594
July	731	988	1,719
	8,862	7,902	16,764

With regard to the messages FROM INDIA, *the following are the proportions received at Constantinople from the different Stations :—*

RECEIVED DIRECT FROM	JANUARY.	FEBRUARY.	MARCH.	APRIL.	MAY.	JUNE.	JULY.
	per cent.	per cent.	per cent.	per cent.	per cent.	per cent.	per cent.
Fao ...	5	4	7	12	8	23	21
Bagdad ...	6	28	2	13	1	5	9
Mossul ...	5	1	2	3	1	2	1
Diarbekir ...	55	39	45	34	34	41	33
Sivas ...	21	23	35	27	50	26	16
Angora ...	8	4	9	11	6	3	20

With regard to those TO INDIA, *Constantinople transmitted the messages in the following proportions, viz. :—*

TRANSMITTED DIRECT TO	JANUARY.	FEBRUARY.	MARCH.	APRIL.	MAY.	JUNE.	JULY.
	per cent.	per cent.	per cent.	per cent.	per cent.	per cent.	per cent.
Angora ...	5½	10	5	14	6	15	4
Sivas ...	36	14	58	24	50	33	4
Diarbekir ...	53	36	17	28	32	19	25
Mossul ...	½	3	6	7	1	4	(nil)
Bagdad ...	3	32	3	6	1	8	17
Fao ...	2	2	11	21	40	21	50

DELAYS *between Kurrachee and Constantinople and vice versâ.*

MONTHS.	TO INDIA.								FROM INDIA.						
	Longest.		Average.			Shortest.	Longest.		Average.		Shortest.
	dys.	hrs.	dys.	hrs.	ms.		dys.	hrs.	dys.	hrs.	
January ...	6	9	2	4	0	Direct	8	22	2	12	Direct
February ...	2	10	0	13	0	1 hour	2	13	0	10	"
March ...	5	18	1	3	0	Direct	3	23	1	5	"
April ...	3	3	0	19	0	"	5	15	1	5	"
May ...	4	15	1	2	18	18 ms.					
June ...	9	22	0	22	0	26 "					
July ...	2	22	0	8	20	10 "					

Kurrachee, 16*th October* 1866.

FOREIGN DEPARTMENT.

MEASURES TO PROMOTE THE PLANTING OF TREES IN THE CHUTTEESGURH DIVISION OF THE CENTRAL PROVINCES.

From C. BERNARD, Esq., Secy. to Chief Commr., Central Provinces, to Secy. to Govt. of India, Foreign Department,—(No. [illegible], dated 4th July 1866).

Home Department Resolution No. 3568 of 17th April 1865.
Board of Revenue, N. W. P., Circular No. ——, of the

The Chief Commissioner has recently had under consideration the papers marginally noted, respecting the expediency of taking some special measures to induce landholders to plant trees on their lands.

2. In successive Administration Reports, statistics regarding the number of nurseries established, of trees planted out, of avenues watered, and of groves established, have been submitted to the Supreme Government. All of these efforts have, however, been directed to providing shade for travellers along our main roads. Much also has been done to induce landholders to plant trees round their villages and wells. But as yet no general orders have been recommended similar to those issued by the Revenue Board, N. W. P., for excluding from the assessable area any plots which are, or may hereafter be, covered with groves.

3. There is so much wood and forests in most of the districts of the Central Provinces that, except as shelter at road-sides, there is no great want of trees. The conservancy arrangements recently introduced will ensure the rearing of successive crops of under-wood and timber on our hill sides. There are already a fair abundance of groves in the open valleys of the Nerbudda and the Wurdah. The Wyngunga Valley is the lake country of the Central Provinces; in it every village has its one or more tanks, and near every tank is a grove.

4. But there is one tract of these Provinces, viz., the central plateau of Chutteesgurh, which is almost absolutely bare of trees. This part of the country was described by Mr. Temple in his Report upon the Mahanuddy and its tributaries (para. 20). Its denudation of trees was well known, but until the settlement had made some progress, and the actual state of matters in the villages of Chutteesgurh were better known, it was deemed inexpedient to take any special measures.

5. The settlement of Chutteesgurh is now rapidly advancing, certainty of tenure is being secured to landholders, while the Government demand has everywhere risen from 25 to 35 per cent. on the land revenue assessed at the previous summary settlement.

6. The Commissioner of Chutteesgurh has now, in an interesting Report (extract paras. 4—26 appended), brought prominently to notice the treelessness of the Raepore plain; and he has also expressed his opinion that the excessive violence with which epidemic cholera rages when it visits the Chutteesgurh plateau is in part due to the utter absence of foliage, which, acting on the atmosphere, might absorb some of the more noxious gases, and might exhale pure oxygen. This theory Major Nembhard supports by giving a detailed account of his observations in the wooded and in the treeless portions of Chutteesgurh. The experience of the Peshawur Cantonment gives some ground for believing that Major Nembhard's belief as to the salutary influence of trees is not without foundation. Dr. S. C. Townsend, Civil Surgeon of Nagpore, who has had some experience in Northern India, considers that the theory, though as yet insufficiently established, is still well founded, and he believes that further observation will confirm it.

7. Even if this view of the prophylactic properties of groves and trees be unfounded, still the fact remains that some thousand square miles of fertile and cultivated country are quite unwooded. In this denuded tract the formation of plantations is a difficult and expensive business, because water is scarce, and the water bearing strata are in most places separated from the surface by hard beds of rock. The Supreme Government has recognized the principle of promoting arboriculture by the concession of small revenue-free grants; and the Chutteesgurh plain appears to be a very proper field for the grant of such a concession. Accordingly, after consulting the Settlement Commissioner upon the subject, the Chief Commissioner would recommend that revenue-free grants be made to landholders or occupiers who will plant trees on the following terms:—

1st.—No grant shall be of more than 20 acres area. If the grove consists of 200 young trees, the grant may be 20 acres; if it consist of about 100 trees, the area should be only 10 acres.

2nd.—The land of the grant to be revenue-free (maaf) for so long as the grove lasts, but to be resumable directly the grove or plantation becomes materially reduced. No grant to be made until the plantation which it is to support has been in existence, and has thriven for one year.

3rd.—No grant shall be made in a village where there are already two or more groves; and the total grants for one village shall never exceed 30 acres in all.

8. The average rate at which the land revenue of Chutteesgurh falls according to the new assessment is 5½ annas per acre of cultivated land. The utmost amount of revenue, then, which could be foregone in a single village would be Rs. 10. In the wooded Pergunnah of Chutteesgurh, these concessions would not be required, and the local authorities would be instructed not to make grants in villages where there was any considerable area of wood or jungle. If the proposal submitted in this letter were approved, and if the fullest advantage were taken of the boon by the people, we could not expect more than 1,000 groves to be planted; and the total revenue to be foregone would probably not amount to more than Rs. 6,000 a year. As the increase in yearly revenue, owing to the revision of assessment, will amount to at least 1½ lakhs for the whole of Chutteesgurh, perhaps the concessions now advocated may not be considered excessive. And if it be sanctioned, then, perhaps, the above limitation, Rs. 6,000 per annum, might be fixed.

Extract, paras. 4 to 26, from a Report No. 1632, dated 23rd May 1866, from the Offg. Commr., Chutteesgurh Division, to Secy. to Chief Commr., Central Provinces.

Avenues and Groves.

Para. 4.—To the planting of avenues in the Raepore District there is an immense drawback, and that is the great difficulty in obtaining water from January to June. Moreover, in certain parts, the nature of the soil renders arboriculture almost hopeless; still money and perseverance will accomplish much, and I am of opinion that every exertion should be made to get the Chutteesgurh plain well studded with groves, and the road-sides planted with avenues. The District Officers will have quite enough to do for many years to come in supplying the roads and encamping grounds with avenues and groves; and considering their small funds, and the difficulties they have to contend against, this is as much as can be expected from them; but to supply the face of the country, which is grievously bare and denuded of foliage, with large and handsome groves, such as we see in many of the districts of the Jubbulpore and Nerbudda Divisions, appears to me to be a matter by no means difficult to attain; a trifling expense would be entailed on the State, but the gain in after years would be immense, as I will endeavor to show.

5. I propose, then, that for every grove of 200 or above 200 trees, which a Malgoozar or other agriculturist shall plant and agree to tend and water, so that it shall arrive at maturity, the Settlement Officers of Raepore and Belaspore shall be authorized to grant to them revenue-free, for so long as the grove shall exist, a plot of land to the extent of, but not to exceed, 20 acres, and for every grove of about 100 trees, the grant shall not exceed 10 acres. The maximum amount of land to be granted revenue-free in any one village for the planting of groves shall be 30 acres; this will admit of one larger and one smaller grove in each village, and the maximum amount of revenue to be assigned per village shall be Rs. 10. These grants can only be made in villages where there is only one grove or no grove at all.

6. The average revenue rate recently assessed is about 5½ annas per acre, and as the maximum grant in any one village is proposed to be fixed at 30 acres (so as to admit of one large and one small grove being planted), the utmost revenue which the State is required to forego is about Rs. 10. Thus, to secure 500 large groves and 500 smaller groves would involve a loss to Government annually of about Rs. 5,000.

7. To compensate Government for this loss, there will be a considerable, though an indirect, gain hereafter. In short, the revenue which I propose that the State should forego may be considered as money laid out on a reproductive work.

8. It can scarcely be doubted that where tracts of forest and timber have been felled, the rain-fall has been very seriously affected, and I am credibly informed that in some districts of the North-West Provinces, there has been a sensible decrease in the fall of rain, along the line of the East Indian Railway, owing even to the cutting down by the Contractors of the mangoe, tamarind, Mohwa, and other trees which they purchased at high prices within 6 to 8 miles of the line for the purpose of burning bricks.

9. If, then, this hypothesis be correct (and the reports of scientific men leave little room for doubt), it would follow that to cover a bare and naked plain with numbers of groves is to ensure, not only an increase in the rain-fall, but also a regularity in the fall from year to year, thus obviating a frequent recurrence of bad seasons, and that the more thickly these groves are studded about the hitherto bare country, the more marked will be the results we wish to attain.

10. Here, then, is a certain gain to the Government, for, with the greater regularity of the seasons, must come increase in cultivation—increase in the happiness and comfort of the people—lower prices of provisions and grain, and this alone would cause an immense saving to Government in the Commissariat Department.

11. I will now endeavor to show how, in another manner, the State will be gainer by giving every encouragement in its power to the planting of trees and groves in this bare plain of Chutteesgurh.

12. The Chief Commissioner is aware that the constant visitations we have in this Division of a virulent type of cholera have closely occupied my attention, mainly that I might discover, if I possibly could, the causes of the disease assuming so much more deadly a form here than elsewhere, and the causes which bring it among us annually instead of only occasionally, as in the more northern divisions of the Provinces.

13. Careful inquiry resulted in the discovery that the drinking of very foul and impure stagnant water was one of the most prominent causes; and as the Chief Commissioner is well aware of the measures which have been adopted to remedy this, I need add nothing further here.

14. But I also discovered another very important fact, and that is, that villages out in the open plain suffer far more from cholera, and the disease is more deadly there than in villages which are well wooded. Further, that if I were to select a strip of the division of any given length, but of say 60 miles in breadth, namely, 30 miles in the plain and 30 miles of jungle, let the jungle be stunted and sparse near the plain, and let the foliage increase and become more dense until the edge of the strip shall be thick forest; and then if I march to each hedge of the strip in acute zigzags, I shall find that at the centre of the strip, namely, where the jungle and plain join, cholera only occasionally visits the villages there, say once every three or four years or so, and the deaths are comparatively few. The further I progress into the denser foliage, the more rare the visitations of cholera seem to be, until at last I find that among the inhabitants of the villages in the forests, the disease is scarcely known, and yet one would have supposed that these of all people would have been its most likely victims, for they live upon the poorest of food, green jungle berries and roots, and are badly housed and ill clad.

15. Again, if I turn towards the plain, I shall find, on emerging from the jungle, that the farther I advance, the more frequent are the visitations of cholera known to be, until at last when I arrive well out into the open, I shall learn that the dreaded "Dookee," as the pestilence is called here, comes every year to carry off her hundreds of victims.

16. Now this is a fact of which I have satisfied myself by close observation and careful enquiry during my recent circuit through the Division; I have verified it till not a shadow of doubt could remain in my mind.

17. Raepore (I speak of those parts of it known as the Chutteesgurh plain) is so bare and wide of foliage as (save for the cultivation) to remind one of the deserts of Egypt or Western India. The flat and cultivated portions of Belaspore are also bare, but not so devoid of trees and patches of scrub jungle as Raepore.

18. The Sumbulpore District again is beautifully wooded. The khalsa or cultivated portion is thickly studded with superb groves of mangoe trees, and there are countless numbers of Mohwa trees all over the country; added to this, some of the Malgoozars have reserved small ornamental patches of stunted sâl jungle of a few acres in extent, and these stand up out of the cultivation as we see plantations at home. Further, the inhabitants of Sumbulpore, a far superior race to those of Chutteesgurh Proper, are much given to planting groves and single trees about their villages. Altogether, then, the khalsa of Sumbulpore is as thickly wooded as probably any cultivated district in India, and in this respect it is the very antepodes of Raepore.

19. Now, it is well known that cholera rarely, in most instances never, visits any of the villages of Sumbulpore which are off the main line of communication, and if it does come, it is in the mildest form, and the reason of its ever showing itself in the villages on the main road (I allude to the villages between Sohela and Sonepore) is that (as in the present year) it is brought thence by pilgrims returning from Cuttack and Pooree.

20. In Belaspore, cholera, when it does break out, is bad enough, but still its visitations are not so frequent, nor is it of that very deadly form which it assumes in the plain of Raepore, where, in the course of three or four days, it sweeps off 60 and 70 per cent. of the inhabitants of a village. Not even in the time of the great plague was there such fearful mortality as I have known here, where a Malgoozar of an ordinary sized village lost *sixty-two* of his *cultivators* in the short space of three or four days.

21. The Qusba of Arung is situated in the same plain as Raepore, and is 22 miles to the east of it. On the Sumbulpore or Eastern Road, cholera is as bad there as elsewhere in the plain. Eleven miles further on is Toomgaon, where one of the new bungalows is being built, and where commences the jungle, and the Eastern Road runs through this jungle (which about Petora and the Jonk River becomes very dense) for about 60 or 65 miles.

22. Now it is a remarkable fact, but no less a fact, that even on the main road, which is traversed to and fro by hundreds of travellers, carts, and pack bullocks, cholera rarely shows itself in the length of 60 miles which I have mentioned, and if it does show itself, it is very mild indeed; but if we take the section of the road from Arung westwards to the Chicholee Bungalow, about 90 miles, which traverses a bare treeless plain in all its length, we find cholera present every year in its worst form. The dying and the dead lying about the road; the convoys of carts with half their drivers gone.

23. One more fact I would state as the result of my investigations, and that is, that in villages or Qusbas which are massed in with those large and magnificent groves we occasionally see, which stand in a low, and probably a swampy, situation surrounded by hills, and which, owing to the quantity of decayed vegetable matter about, are especially feverish in September, October, and November, are rarely visited by cholera, and when it does come, there are but few deaths, while villages which stand on high ground, or on what would be considered a fine bracing situation, which, being free from foliage and hills, are thoroughly ventilated, appear to suffer most from cholera.

24. Why thick foliage round human dwellings should be a preventive or a partial preventive to cholera is a matter which I must leave to those who are more scientific than I am to ascertain. It is sufficient for me that I no longer doubt the fact; convinced, then, that it is a partial preventive, I avail myself of this opportunity to request you to lay the result of my observations before the Chief Commissioner, who, I trust, will be pleased to support my recommendation to grant land revenue-free to agriculturists who will plant groves in their villages on the conditions noted in the 5th para. of this Report.

25. In Raepore Captain Fenton planted during the year a double row of cork trees round the new Cutcherry which is being built here. Many of these young trees are five and six feet high already, and in four or five years, they will become one of the most beautiful ornaments in the place.

26. An avenue of about a mile in length of cuttings or large branches of the Peepul, Banian, Goolar, and other trees was planted by Captain Fenton last rains; these have all succeeded admirably, but it is right to add that the soil is rich and full of nourishment.

From W. Muir, Esq., Secy. to Govt. of India, Foreign Dept., to the Chief Commr. of the Central Provinces,—(No. 1328, dated Simla, the 28th August 1866).

I am directed to acknowledge the receipt of your Secretary's letter dated 4th ultimo, No. $\frac{2552}{226}$, and in reply to convey the sanction of the Governor General in Council to the measures you propose for inducing landholders in the Chutteesgurh Division to plant trees on their lands; the total sacrifice of revenue not to exceed Rs. 6,000 per annum.

From W. Muir, Esq., Secy. to Govt. of India, Foreign Dept., to the Chief Commr. of the Central Provinces,—(No. 1692, dated Simla, the 31st October 1866).

With reference to my letter dated 28th August last, No. 1328, regarding the grant of land rent-free, under certain conditions, to induce landlords to plant trees on their lands in the Chutteesgurh Division, I am directed to state that, from fuller information which has been placed before His Excellency the Governor General in Council, it appears that the area of the grant could bear a better proportion to the number of trees planted if 30 trees to the acre were required, and not 10, as entered in the 1st condition submitted in your Secretary's letter dated 4th July last, No. $\frac{2552}{226}$.

2. In the 2nd condition also, it is stated that the grant will be conferred when the plantation of trees has been in existence for one year. This being too short a period to judge of the result, three years should be substituted. Moreover, the words in this condition, "materially reduced," are vague; a minimum as regards the number of trees should be fixed.

3. You are requested to modify the terms of the conditions accordingly.

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Published by Authority.

CALCUTTA, MONDAY, DECEMBER 10, 1866.

NOTIFICATION.

Their Excellencies the Viceroy and Lady Lawrence will hold a Drawing Room at 9 o'clock on the evening of Thursday the 20th December.

Ladies purposing to attend the Drawing Room are requested to send their cards, at their earliest convenience, to the *Aide-de-Camp in Waiting*, and to bring with them two cards, having their names legibly written thereon, one to be given on entering Government House, the second to the Aide-de-Camp in waiting at the time of presentation.

Ladies who have not already been presented at the Court of St. James', or at Government House, are requested to send their cards with their address, and the name of the Lady by whom they are to be presented, to the Aide-de-Camp in waiting with as little delay as possible.

Ladies who present others should themselves attend the Drawing Room.

Ladies are requested to appear in full dress, but without trains.

European and Native Gentlemen who were present at the Viceroy's Levee on the 6th instant, together with those who were prevented from attending on that occasion and who have accounted for their absence, are invited to attend and to send their cards in the manner above prescribed.

Gentlemen who may arrive in Calcutta subsequently to the date of the Levee are included in this invitation.

The carriages of all who have the Private Entrée will enter by the South-east Gateway and set down at the south entrance of Government House.

All other carriages will enter by the North-east Gateway, set down at the Grand Entrance, and pass out by the North-west Gateway.

By Command,

SEYMOUR BLANE, *Lieut. Colonel,*

Military Secretary to the Viceroy.

MILITARY SECRETARY'S OFFICE,
GOVERNMENT HOUSE;
The 7th December 1866.

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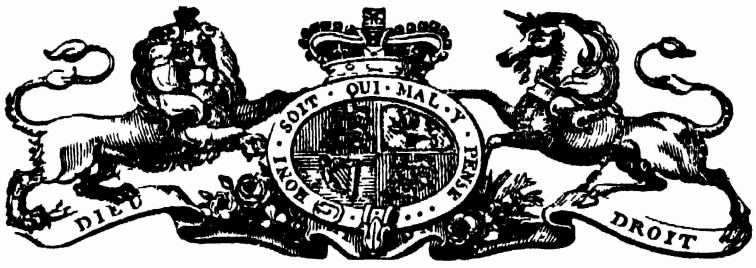
No. 50.



The Gazette of India.

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CALCUTTA, SATURDAY, DECEMBER 15, 1866.

HOME DEPARTMENT.

LEGISLATIVE.

Camp Agra, the 23rd November 1866.

The following Bill and Statement of Objects and Reasons accompanying it are published for general information by order of His Excellency the Governor General, under the 19th of the Rules for the Conduct of Business at Meetings of the Council of the Governor General of India for the purpose of making Laws and Regulations:—

A Bill to enable the Lieutenant-Governor of the Punjab to create new, and to alter the limits of existing Districts in any part of the Territories under his Government.

Preamble.

Whereas it is expedient to empower the Lieutenant-Governor of the Punjab to create new and to alter the limits of existing Districts in the Territories under his Government; It is hereby enacted as follows:—

Power to Lieutenant-Governor of the Punjab to create and alter Districts

1. On and from the first day of January 1867, it shall be lawful for the Lieutenant-Governor of the Punjab, by a Notification in the Local *Gazette*, to create new Districts in any part of the Territories under his Government, and from time to time to alter the limits of existing Districts in any part of the same Territories.

Saving of power of Governor General under Act XXI of 1836.

2. Nothing contained in this Act shall affect the power conferred on the Governor-General of India in Council by Act No. XXI of 1836.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill, which has been prepared at the desire of the Local Government, is to empower the Lieutenant-Governor of the Punjab to create new, and to alter the limits of existing Districts in the Territories under his Government, and thus to dispense with the necessity of a reference to the Supreme Government whenever territorial changes in the Punjab are necessary for fiscal or political considerations.

H. S. MAINE.

SIMLA,
The 7th November 1866.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

Camp Agra, the 29th November 1866.

The following Bill and Statement of Objects and Reasons accompanying it are published for general information, by order of His Excellency the Governor General, under the 19th of the Rules for the Conduct of Business at Meetings of the Council of the Governor General of India for the purpose of making Laws and Regulations:—

A Bill to define the jurisdiction of the Courts of Civil Judicature in the Jhansí Division.

Preamble.

Whereas it is expedient to define the jurisdiction of the Courts of Civil Judicature in the Jhansí Division; it is hereby enacted as follows:—

Short title.

1. This Act shall be called "The Jhansí Courts' Act, 1867."

Certain rules for administration of Civil Justice in Jhansí Division to cease to have effect.

2. So much of the rules passed by the Government of the North-Western Provinces for the administration of Civil justice within the districts of the Jhansí Division as were continued in force by Act No. XXIV of 1864 (*relating to the administration of certain districts under the Government of the Lieutenant Governor of the North-Western Provinces*), Section 2, shall cease to have effect in the said districts from the 30th June 1867.

Certain rules regarding jurisdiction and procedure of Revenue Officers in Jhansí to cease to have effect.

3. So much of the rules passed by the Government of the North-Western Provinces, relating to the jurisdiction and procedure of Revenue Officers within the districts of the Jhansí Division, and confirmed by the said Act No. XXIV of 1864, Section 1, as directed that suits regarding landed property should

be heard by the Revenue Courts, shall cease to have effect in the said districts from the date of this Act coming into operation.

Interpretation clause.

4. In this Act :—

"High Court."

"High Court" means the High Court of Judicature for the North-Western Provinces of the Presidency of Bengal, and "Assistant Commissioner" includes Extra Assistant Commissioner.

"Assistant Commissioner."

"District."

5. For the purposes of this Act, the local jurisdiction of a Deputy Commissioner shall be deemed a District, and the Court of such Deputy Commissioner shall be deemed the District Court. The local jurisdiction of a Commissioner shall, in like manner, be deemed a Division, and his Court a Divisional Court.

"District Court."

"Division"
"Divisional Court."

Grades of Courts in the Jhansí Division.

6. There shall be seven grades of Courts in the Jhansí Division, which shall be in addition to any Courts of Small Causes, and to any other Courts established under any Act which may hereafter be passed, viz. :—

(1.) The Court of the Tahsíldár of the second class.

(2.) The Court of the Tahsíldár of the first class.

(3.) The Court of the Assistant Commissioner of the second class.

(4.) The Court of the Assistant Commissioner of the first class.

(5.) The Court of the Deputy Commissioner.

(6.) The Court of the Commissioner.

(7.) The High Court.

Lieutenant Governor may declare grade to which a Tahsíldár or Assistant Commissioner belongs.

7. The Lieutenant Governor of the North-Western Provinces shall have power to declare to which of the said grades any Tahsíldár and any Assistant Commissioner in the said Division shall belong.

Jurisdiction of Court of Tahsíldár of the second class.

8. The Court of the Tahsíldár of the second class shall have power to try and determine suits of every description in which the subject-matter does not exceed one hundred Rupees in value or amount.

Jurisdiction of Court of Tahsíldár of the first class.

9. The Court of the Tahsíldár of the first class shall have power to try and determine suits of every description in which the subject-matter does not exceed three hundred Rupees in value or amount.

Jurisdiction of Court of Assistant Commissioner of the second class.

10. The Court of the Assistant Commissioner of the second class shall have power to try and determine suits of every description in which the subject-matter does not exceed one thousand Rupees in value or amount.

Jurisdiction of Court of Assistant Commissioner of the first class.

11. The Court of the Assistant Commissioner of the first class shall have power to try and determine suits of every description in which the subject-matter does not exceed five thousand Rupees in value or amount.

Jurisdiction of Court of Deputy Commissioner.

12. The Court of the Deputy Commissioner shall have power to try and determine suits of every description and of any amount, and to hear appeals from the original decisions in suits and (where an appeal is allowed by the Code of Civil Procedure) from the orders of the Courts of the first, second and third grades.

Jurisdiction of Court of Commissioner.

13. The Court of the Commissioner shall have power to hear and determine appeals from the original decisions in suits and (where an appeal is allowed by the Code of Civil Procedure) from the orders of the Courts of the fourth and fifth grades.

Jurisdiction of High Court.

14. The High Court shall have power to hear and determine appeals from the original decisions in suits and (where an appeal is allowed by the Code of Civil Procedure) from the orders of the Commissioner, and also applications for a special appeal as provided in the said Code, from the decisions passed in regular appeal by the Deputy Commissioners and by the Commissioner of the Division.

Time for presenting appeals.

15. The memorandum of appeal prepared in the form, and containing the particulars mentioned in the Code of Civil Procedure, shall be presented in the Court empowered to hear the appeal within the period hereinafter specified, unless the appellant shall show sufficient cause to the satisfaction of such Court for not having presented the memorandum of appeal within the said period; that is to say, thirty days, if the appeal lie to the Deputy Commissioner; six weeks, if the appeal lie to the Commissioner of the Division, and ninety days, if the appeal lie to the High Court. The period shall be reckoned from and exclusive of the day on which the decision or order appealed against was passed, and also exclusive of such time as may be requisite for obtaining a copy of the decree or order from which the appeal is made. Memoranda of special appeal shall be presented in the High Court within the period hereinbefore fixed for appeals.

Lieutenant Governor may invest any one with powers of Commissioner or of Deputy Commissioner.

16. Whenever the state of the public business requires it, the said Lieutenant Governor shall have power to invest any person with the powers of a Commissioner or of a Deputy Commissioner in any part of the Jhansí Division.

Court in which suit shall be instituted.

17. Every suit shall be instituted in the Court of the lowest grade competent to try it: provided that no suit cognizable by a Court of Small Causes shall be heard or determined in any other Court having any jurisdiction within the

local limits of the jurisdiction of such Court of Small Causes.

Appeal to lie from all decisions, except when expressly prohibited.

18. Except when otherwise provided in any Regulation or Act for the time being in force, an appeal shall lie from the decisions of the Courts of original jurisdiction to the Courts authorized by this Act to hear appeals from the decisions of those Courts.

Deputy Commissioner may distribute business among subordinate Courts.

19. The Deputy Commissioner may direct the business in the Courts subordinate to him, holding their sittings at the same place, to be distributed among such Courts in such way as he shall think fit. Provided that no Court shall try any suit in which the amount or value of the claim shall exceed its proper jurisdiction.

Transfer of suits from subordinate Court to Commissioner's or Deputy Commissioner's Court.

20. The Commissioner of the Division or the Deputy Commissioner may withdraw any suit instituted in any Court subordinate to him, and try such suit himself or refer it for trial to any other such subordinate Court and competent in respect of the value or amount of the suit to try the same. The Commissioner of the Division may also withdraw any appeal instituted in the Court of any Deputy Commissioner subordinate to him and try the appeal himself or refer it for trial to the Court of any other Deputy Commissioner in his Division.

High Court may transfer suits from one subordinate Court to another.

21. The High Court may order that the cognizance of any suit or appeal which shall be instituted in any Court subordinate to such High Court, not being a Court of Small Causes, shall be transferred to any other such subordinate Court, competent in respect of the value or amount of the subject-matter of the suit or appeal to try the same.

Suits for immoveable property situate in different Districts.

22. If the suit be for any immoveable property situate within the limits of different District Courts within the same Division, the suit may be brought in any Court otherwise competent to try it within the jurisdiction of which any portion of such property is situate; but in such case the Court in which the suit is brought shall apply to the Commissioner of the Division for authority to proceed with the suit; and the Commissioner, after hearing the objections, if any, of the defendant, may give such authority. If the suit is brought in any Court subordinate to the Court of the Deputy Commissioner, the application shall be submitted to the Commissioner of the Division through the Deputy Commissioner to whom such Court is subordinate.

Suits for immoveable property situate in districts subject to different Commissioners.

23. If the District Courts within the limits of whose jurisdiction any immoveable property sued for is situate are subordinate to different Commissioners, application for authority to proceed with the suit shall be made to the Commissioner of the Division to whom the District Court in which the suit is brought is subordinate, and such Commissioner may, after hearing the objections, if any, of the defendant, give authority to proceed with the suit.

Commencement of Act.

24. This Act shall come into operation on the first day of March 1867.

STATEMENT OF OBJECTS AND REASONS.

This Bill has been prepared at the desire of the Government, and with the approval of the High Court, of the North-Western Provinces; and its object is to extend the jurisdiction of that High Court to the Civil Courts of the Jhansí Division. Suits relating to land in this Division are now heard by the Revenue Courts, and the ultimate appeal from the decisions in such suits lies to the local Board of Revenue. In suits relating to other kinds of property which are heard by the Civil Courts, the order of the Commissioner of the Division is final, it being, however, provided that in any case in which the decisions of the Courts of first instance and of appeal differ, the local Government may refer the proceedings to the High Court for their report and opinion, and thereafter pass such orders as may appear proper. The system here described is legalized and fixed by Section 2 of Act No. XXIV of 1864.

The time has now, in the Lieutenant Governor's opinion, arrived for transferring to the Civil Courts the jurisdiction in suits relating to land, and for subordinating these Courts to the High Court at Agra As the revision of the settlement of Jhansí is nearly completed and the local rights in land have been defined and recorded, it appears to the Lieutenant Governor that there is no reason for maintaining a system in Jhansí different from that in force throughout the rest of the North-Western Provinces. It is also desirable that the Board of Revenue should be relieved from the anomalous position in which they are now placed, by having to discharge a duty which is foreign to their office, and for the due performance of which they have not the aid of an efficient Bar. Under these circumstances the present Bill has been framed on the model of Act No. XIV of 1865 (The Central Provinces Courts' Act) and defines the jurisdiction of the Courts of Civil Judicature in the Jhansí Division.

H. S. MAINE.

SIMLA,
The 7th November 1866.

WHITLEY STOKES,
Asst. Secy to the Govt. of India,
Home Dept. (Legislative.)

The 3rd December 1866.

The following Bill and Statement of Objects and Reasons accompanying it are published for general information, by order of His Excellency the Governor General, under the 19th of the Rules for the Conduct of Business at Meetings of the Council of the Governor General of India for the purpose of making Laws and Regulations :—

A Bill to amend the Law relating to the custody of prisoners within the local limits of the original jurisdiction of Her Majesty's High Courts of Judicature at Fort William in Bengal, Madras and Bombay.

Preamble.

Whereas it is expedient that, within the local limits of the original jurisdiction of Her Majesty's High Courts of Judicature at Fort William in Bengal, Madras and Bombay, persons should, for the purpose of being received and detained in prison, be committed to the custody of an Officer appointed by the Local Government, instead of to the custody of the Sheriff of Calcutta, Madras or Bombay, as the case may be; It is enacted as follows :—

Interpretation of terms.

1. In this Act :—

"High Court."

"High Court" denotes Her Majesty's High Court of Judicature at Fort William in Bengal, Madras or Bombay, as the case may be.

"Sheriff."

"Sheriff" denotes the Sheriff of Calcutta, Madras or Bombay, as the case may be.

"Magistrate."

"Magistrate" includes a Magistrate of Police appointed under Act No. XIII of 1856 *(for regulating the Police of the Towns of Calcutta, Madras and Bombay, and the several Stations of the Settlement of Prince of Wales' Island, Singapore and Malacca).*

Enactments repealed.

2. The eighth Section of Act No. XXIV of 1855 *(to substitute Penal Servitude for the punishment of Transportation in respect of European and American Convicts, and to amend the law relating to the removal of such Convicts)*, the forty-seventh, forty-eighth, forty-ninth, fiftieth, fifty-first and fifty-second Sections of Act No. XVIII of 1862 *(to repeal Act No. XVI of* 1852 *in those parts of British India in which the Indian Penal Code is in force, and to re-enact some of the provisions thereof, with amendments, and further to improve the administration of Criminal Justice in her Majesty's Supreme Courts of Judicature)*, Act No. XXV of 1863 *(to empower Judges of the High Court and other authorities at Fort William in Bengal, to direct convicts to be imprisoned either in the House of Correction or the Great Jail of Calcutta, and to authorize the transfer of prisoners in certain cases from the House of Correction to the Great Jail and from the Great Jail to the House of Correction)*, and Act No. XII of 1865 *(to amend the law relating to the custody of prisoners within the local limits of the original jurisdiction of Her Majesty's High Court of Judicature at Fort William in Bengal)* are hereby repealed.

No one to be committed to Sheriff;

And writs not to be issued to Sheriff.

3. No person shall be committed to the Sheriff to be received and detained in prison; and no writ shall be awarded to the Sheriff commanding him to arrest and seize the body of any offender.

Local Government may appoint Superintendent of Presidency Jail.

4. It shall be lawful for the Local Government to appoint an Officer who shall be called in Calcutta the Superintendent of the Presidency Jail, and in Madras and Bombay the Superintendent of Jails for the Town of Madras, or Bombay, as the case may be, and who shall have authority to receive and keep prisoners committed to his custody under the provisions of this Act.

Persons sentenced by High Court to imprisonment or death to be delivered to the Superintendent.

5. Whenever any person shall be sentenced by the High Court in the exercise of its original Criminal jurisdiction to imprisonment or to death, the Court shall cause such person to be delivered to the said Superintendent, together with the warrant of the said Court, and such warrant shall be executed by such Superintendent and returned by him to the High Court when executed.

Persons sentenced by High Court to transportation or penal servitude to be delivered for intermediate custody to Superintendent.

6. Whenever any person shall be sentenced by the High Court in the exercise of its original Criminal jurisdiction to transportation or penal servitude, the Court shall cause such person to be delivered for intermediate custody to the said Superintendent, and the imprisonment of such person shall have effect from such delivery.

Persons sentenced by Magistrate to imprisonment, or imprisoned for non-payment of fine to be delivered to Superintendent with a warrant.

7. Whenever any person shall be sentenced by a Magistrate of Police for the Town of Calcutta, Madras or Bombay, to imprisonment, either absolutely or for default of payment of any fine imposed by any such Magistrate, or shall be committed to prison for failure to find security to keep the peace and to be of good behaviour, the Magistrate shall cause such person to be delivered to the said Superintendent together with a warrant of the Court.

Superintendent to detain such persons according to exigency of warrant, and to return same when executed.

8. The said Superintendent shall detain the person so delivered to him according to the exigency of such warrant, and shall return the warrant when executed to the Court whence it issued.

Persons committed by Justice or Magistrate for trial by High Court to be delivered to Superintendent with warrant.

9. Persons committed by a Justice of the Peace or Magistrate for trial by the High Court in the exercise of its original Criminal jurisdiction, shall be delivered to the said Superintendent together with a warrant of commitment, directing him to have the bodies of such persons

before the Court for trial at the Sessions of the Court next ensuing after the date of such commitment.

Persons arrested in pursuance of warrant of High Court or Small Cause Court to be delivered to Superintendent.

10. Every person arrested in pursuance of a warrant or order of the High Court in the exercise of its original Civil jurisdiction, or in pursuance of a warrant of any Court established in Calcutta, Madras or Bombay under Act No. IX of 1850 *(for the more easy recovery of small debts and demands in Calcutta, Madras and Bombay)*, shall be brought before the Court by which the warrant or order was issued or made, and shall then, subject to the procedure which may from time to time be in force in such Court, be delivered by the proper Officer of the Court executing such warrant, together with a copy of such warrant, to the said Superintendent; and the Officer executing such warrant shall thenceforward be absolved from responsibility for the custody of the person so delivered.

Superintendent to detain such persons according to exigency of warrant.

11. The said Superintendent shall detain the person delivered to him by the Officer of the Court in manner aforesaid, according to the exigency of the warrant, and return the same to the said Officer of the Court as soon as the terms of the said warrant shall have been complied with.

Persons confined in Great Jail of Calcutta or Jails of Madras or Bombay shall be deemed to be in custody of Superintendent.

12. All persons confined in the Great Jail of Calcutta, or in any of the Jails of the Towns of Madras or Bombay under process or sentence of any of Her Majesty's late Supreme Courts of Judicature, or of the High Courts, or of any Magistrate, shall be considered to be and shall remain in the custody of the said Superintendent according to the terms of the warrants under which they shall have been respectively committed to custody.

Warrant under Regulation III of 1818, Bengal Code, Regulation II of 1819, Madras Code, and Regulation XXV of 1827, Bombay Code, may be directed to Superintendent.

13. Any warrant of commitment under Regulation III of 1818 of the Bengal Code *(for the confinement of State Prisoners)*, Regulation II of 1819 of the Madras Code *(for the confinement of State Prisoners)*, and Regulation XXV of 1827 of the Bombay Code *(for the confinement of State Prisoners and for the attachment of the lands of chieftains and others, for reasons of State)*, may be directed to the said Superintendent in the same manner as the same might have been directed to the Sheriff under Act No. XXXIV of 1850 *(for the better custody of State Prisoners)* and Act No. III of 1858 *(to amend the law relating to the arrest and detention of State Prisoners)*.

Provisions of Statute 11 Vic., cap. 21, as to prisoners, to extend to persons in custody of Superintendent.

14. The provisions contained in the Statute 11 Vic., cap. 21 *(to consolidate and amend the laws relating to Insolvent Debtors in India)*, relating to persons in prison or liable to be arrested or detained in or remanded or re-committed to, or entitled to be discharged from, prison within the limits of the Towns of Calcutta, Madras and Bombay respectively, shall apply to all persons in the custody of the said Superintendent, or liable to be delivered to or entitled to be discharged from his custody.

Construction of Section 25 of Act No. XLVIII of 1860.

15. Section 25 of Act No. XLVIII of 1860 *(to amend Act No. XIII of 1856, for regulating the Police of the Towns of Calcutta, Madras and Bombay, and the several Stations of the Settlement of Prince of Wales' Island, Singapore and Malacca)*, shall be construed in Calcutta as if the words "Superintendent of the Presidency Jail" and in Madras and Bombay as if the words "Superintendent of Jails for the Town of Madras" or "Bombay," as the case may be, were substituted for the words "Keeper or Governor of the Jail or House of Correction."

Commencement of Act.

Short title.

16. This Act shall come into operation in Calcutta at once, and in Madras and Bombay respectively from such date as the Local Government shall notify in the local *Gazette*, and it may be called "The Presidency Jails' Act, 1867."

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to amend the law relating to the custody of prisoners within the local limits of the original jurisdiction of the three Presidency Town High Courts. It is a transcript of Act No. XII of 1865, with the alterations and additions necessary to render the measure applicable not only to Calcutta, but to Madras and Bombay; and the reasons for passing that Act may be referred to as justifying the present Bill.

The fact that, both in Bombay and Madras there are two Presidency Jails, has given rise to a doubt whether an extension of Act No. XII of 1865, which only contemplates a single Jail, by a notification under Section 16 of that Act, would meet the need of the case. The present Bill has been framed so as to preclude the doubt referred to.

H. S. MAINE.

SIMLA,
The 12th November 1866.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

HOME DEPARTMENT.

NOTIFICATIONS.

Fort William, the 8th December 1866.

No. 1777.

Leave of absence on medical certificate is granted to Mr. W. Todd, Civil 2nd Assistant, Great Trigonometrical Survey of India, under the provisions of the Uncovenanted Service Absentee Rules, for twenty months, with effect from the date on which the vessel on which he proceeds may be left at Sea by the Pilot.

The 12th December 1866.

No. 1259.

Whereas, upon the petition of William Graham McIvor, Superintendent of the Government Botanical Gardens and Government Cinchona Plantations at Ootacamund in Madras, addressed to the Governor General of India in Council, a Specification of an alleged New Invention for producing and preparing the different species and varieties of Cinchona Bark for the manufacture of Quinine, Quinidine, Cinchonidine, and other Alkaloids was filed in accordance with the provisions of Act XV of 1859 on the 5th day of January 1866, and whereas, by Section 16 of the said Act, it is provided that every exclusive privilege under the said Act shall cease if the Governor General of India in Council shall declare that the same is generally prejudicial to the public, the Governor General of India in Council does hereby declare, under the said Section 16 of the said Act, that any exclusive privilege conferred under the said Act in respect of the said alleged New Invention is generally prejudicial to the public.

The 13th December 1866.

No. 1306.

Major W. N. Lees received charge of the offices of Member and Secretary of the Board of Examiners from Major E. St. George on the 3rd instant.

Major St. George officiated as Member and Secretary of the Board of Examiners from the 6th September to the 3rd December, during the absence on special duty of Major Lees.

The 14th December 1866.

No. 1332.

Under the provisions of the Act of Parliament 24 and 25 Vic., Cap. 104, Section 7, the Governor General in Council has been pleased to appoint Mr. Frederick Augustus Barnard Glover, of the Bengal Civil Service, to officiate, until further orders, as a Judge of the High Court of Judicature at Fort William in Bengal.

No. 1336.

Mr. John M. Lister, of the Bengal Civil Service, an unpassed student of the College of Fort William, reported his arrival in Calcutta by the Steamer "Madras," on the 30th ultimo, from sick leave.

No. 1337.

Moonshee Wuzeer Hosein, Extra Assistant Commissioner in Oudh, is invested with the powers of a Sub-Magistrate of the 1st Class described in Section 22, Act XXV of 1861.

No. 1339.

Mr. R. Taylor, Bengal Civil Service, availed himself of the furlough granted him in Notification No. 5480, dated 16th October last, on the 19th ultimo, the date on which he embarked for Europe.

No. 1354.

Lieutenant M. Tweedie, District Superintendent of Police, Lucknow, has obtained two months' privilege leave of absence from the 1st proximo, or the subsequent date on which he may avail himself of the same.

Mr. J. M. Anderson, Officiating Assistant District Superintendent, will act for Lieutenant Tweedie during his absence.

No. 1356.

Under the provisions of Section 9 of Act I of 1849, the Governor General in Council is pleased to delegate authority to the Commissioners of Police of the Northern and Southern Divisions of the Bombay Presidency, and to the Commissioner in Sind within the limits of their respective Divisions, to receive reports and give orders in cases within that Act.

No. 1358.

The Governor General in Council is pleased to confirm the appointment made by the late Lord Bishop of Calcutta of the Reverend F. R. Vallings to be His Lordship's Domestic Chaplain, with effect from the 1st August to the 6th October 1866.

No. 1360.

The services of the Reverend A. O. Hardy were placed at the disposal of the Government of Bengal with effect from the 1st August last, the date on which the Reverend F. R. Vallings was appointed Domestic Chaplain to the late Lord Bishop of Calcutta.

No. 1362.

The Governor General in Council is pleased to promote the following Junior Chaplains to be Senior Chaplains, from the dates specified :—

The Reverend J. Richards, from the 24th May last, vice the Reverend Julian Robinson, retired.

The Reverend H. Murray, from the 2nd June last, vice the Reverend L. Poynder, retired.

The Reverend G. Lovely, from the 22nd June last, vice the Reverend F. O. Mayne, retired.

The (late) Reverend A. D. Nicolson, from the 3rd September last, vice the Reverend Dr. H. Smith, retired.

Notifications No. 5853, dated 27th October, and No. 1090, dated 6th instant, are hereby cancelled.

No. 1364.

Under the Orders published in Notification No. 856, dated the 30th ultimo, the Governor General in Council is pleased to promote the Reverend J. Kilbee Stuart, Junior Chaplain, to be Senior Chaplain, from the 15th ultimo.

No. 1366.

Mr. D. F. Lonsdale, Assistant Commissioner, 3rd Grade, British Burmah, officiated as Registrar and Judge of the Small Cause Court at Rangoon, from the 26th September to the 8th October 1866, both days inclusive.

No. 1370.

Mr. C. A. Stuart, Post Master of Bombay, availed himself of the privilege leave granted to him in Notification No. 5768, dated 25th October last, on the 12th ultimo, having made over charge of the office to Mr. Bappajee Luddoba on the afternoon of that day.

No. 1372.

Mr. G. E. Knox, Junior Civil Servant, having obtained a Certificate of High Proficiency in Sanskrit, has been presented with the authorized donation of Rs. 800.

No. 1375.

His Excellency the Governor General in Council has been pleased to make the following appointments to fill up the vacancy in the Marine Department caused by the resignation by Lieutenant G. C. Sconce of his appointment of Extra Assistant Master Attendant:—

Captain E. J. Butler to be Extra Assistant Master Attendant, but to continue to officiate as 3rd Assistant Master Attendant during the absence on deputation of Captain A. Baker, or until further orders.

Lieutenant T. Warden, I. N., Conservator of Port Canning, to officiate as Extra Assistant Master Attendant, Calcutta, during the absence on deputation of Captain E. J. Butler, or until further orders.

No. 1379.

Lieutenant T. Lowndes, Superintendent of Police, 3rd Grade, British Burmah, reported his return to Rangoon, from sick leave to Europe, on the forenoon of 3rd August 1866.

Captain W. G. Grove, Superintendent of Police, 4th Grade, British Burmah, reported his return to Rangoon, from sick leave to Europe, on the forenoon of 3rd August 1866.

F. C. Bayley,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Fort William, the 11th December 1866.

Judicial.

No. 385.

The Governor General in Council is pleased to apply Act V of 1861 to the District of Bangalore (including the Town and Cantonment of that name) in Mysore.

No. 387A.

With reference to G. O. No. 91, dated 22nd February 1865, notifying the establishment of Courts in British Burmah for the investigation and trial of claims under Section 7 of Act XXIII of 1863, Mr. Alexander Watson is appointed to be a Member of the Rangoon Court, vice Mr. John Halliday.

The 12th December 1866.

No. 388.

Under the provisions of Section 33 of Act X of 1862, His Excellency the Governor General in Council is pleased to exempt from Stamp Duty all petitions presented by Gonds, resident in the Mailghat Sub-Division of the Hyderabad Assigned Districts.

The 11th December 1866.

Revenue.

No. 411.

The Governor General in Council is pleased to apply to the villages in Berar, leased under the Waste Land Rules, Sections 32 to 75, 78, 82 to 104, 112 to 152, and 155 to 162 of Act X of 1859. His Excellency in Council is further pleased to vest the Deputy Commissioners in Berar with the powers of Collectors, and the Assistant and Extra Assistant Commissioners with those of Deputy Collectors, under the same Act.

Military.

No. 196.

The following Brigade Order issued by the Commandant, Central India Horse, is confirmed by the Governor General in Council:—

"Captain F. P. Luard, 3rd Squadron Officer, 1st Regiment, Central India Horse, will assume charge of the Staff Office from Captain C. James."

The 11th December 1866.

Political.

No. 1239.

His Excellency the Viceroy and Governor General in Council is pleased to recognize Mr. Charles Fornaro as Consul for Belgium at Calcutta.

The 13th December 1866.

No. 1242.

His Excellency the Viceroy and Governor General in Council is pleased to confer the title of "Rae Bahadoor" on Baboo Dhunput Sing Doogur of Azimgunge, in the Moorshedabad District of Bengal.

No. 1244.

His Excellency the Governor General of India in Council is pleased to publish, for general information, the following Despatch from Her Majesty's Secretary of State for India, No. 85, dated 31st October last, forwarding a Treaty of Friendship, Commerce, and Navigation between Her Majesty and the United States of Columbia :—

POLITICAL.
No. 85.

INDIA OFFICE;
London, 31st October 1866.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—I transmit herewith, for the information of Your Excellency's Government, a printed copy of a Treaty* of Friendship, Commerce, and Navigation beween Her Majesty and the United States of Columbia.

* Signed 16th February; Ratifications exchanged 17th October 1866.

I have, &c.,

(Signed) CRANBORNE.

TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION, BETWEEN HER MAJESTY AND THE UNITED STATES OF COLUMBIA.

Signed at London, February 16, 1866.

[Ratifications exchanged at London, October 17, 1866.]

HER MAJESTY THE QUEEN of the United Kingdom of Great Britain and Ireland, and the United States of Columbia, being desirous to maintain and improve the relations of good understanding which happily subsist between them, and to promote the commercial intercourse between their respective subjects and citizens, have deemed it expedient to conclude a Treaty of Friendship, Commerce, and Navigation, and have for that purpose named as their respective Plenipotentiaries, that is to say :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Hon'ble George William Frederick, Earl of Clarendon, Baron Hyde of Hindon, a Peer of the United Kingdom, a Member of Her Britannic Majesty's Most Hon'ble Privy Council, Knight of the Most Noble Order of the Garter, Knight Grand Cross of the Most Hon'ble Order of the Bath, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs; and the Right Hon'ble Thomas Milner Gibson, a Member of Her Britannic Majesty's Most Hon'ble Privy Council, a Member of Parliament, President of the Committee of Privy Council for Affairs of Trade and Foreign Plantations :

And the Citizen President of the United States of Columbia, Thomas Cipriano de Mosquera, Grand General of the Union, General-in-Chief in the Columbian Guard, a Senator, a Member of the Order of the Liberators of Cundinamarca, of those of the south of Columbia, of those of Peru, decorated with the Medal of Tescua, with that of Barbacoas, and with the Cross of Cuaspud, Envoy Extraordinary and Minister Plenipotentiary to Her Britannic Majesty ;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles :—

ARTICLE I.

There shall be a perfect, firm, and inviolable peace and sincere friendship between Her Britannic Majesty, and the United States of Columbia, through-

SU MAJESTAD la Reina del Reino Unido de la Gran Bretaña é Irlanda, y los Estados Unidos de Colombia, deseando mantener y estrechar las relaciones de buena intelijencia que felizmente existen entre ellos, y promover las relaciones comerciales entre sus respectivos súbditos y ciudadanos, han creido conveniente concluir un Tratado de Amistad, Comercio y Navegacion, y con este objeto han nombrado sus respectivos Plenipotenciarios, á saber :

Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, al Mui Honorable Jorje Guillermo Federico, Conde de Clarendon, Baron Hyde de Hindon, Par del Reino Unido, Miembro del Mui Honorable Consejo Privado de Su Majestad Británica, Caballero de la Mui Noble Orden de la Jarretera, Caballero Gran Cruz de la Mui Honorable Orden del Baño, Secretario Principal de Estado de Su Majestad Británica para los Negocios Extranjeros; y al Mui Honorable Thomas Milner Gibson, Miembro del Mui Honorable Consejo Privado de Su Majestad Británica, Miembro del Parlamento, Presidente de la Comision del Consejo Privado para los Negocios de Comercio y de Colonias Extranjeras;

Y el Ciudadano Presidente de los Estados Unidos de Colombia á Tomas Cipriano de Mosquera, Gran General de la Union, General en Jefe en la Guardia Colombiana, Senador, de los Libertadores de Cundinamarca, de los del Sur de Colombia, de los del Peru, condecorado con la Medalla de Tescua, con la de Barbacoas y con la Cruz de Cuaspud, Enviado Extraordinario y Ministro Plenipotenciario cerca de Su Majestad Británica;

Quienes, despues de haberse comunicado sus respectivos plenos poderes, y encontrádolos en buena y debida forma, han convenido y concluido los siguientes Artículos :—

ARTICULO I.

Habrá una paz perfecta, firme é inviolable, y amistad sincera entre Su Majestad Británica y los Estados Unidos de Colombia, en toda la estension

out the whole extent of their possessions and territories, and between their subjects and citizens, respectively, without distinction of person or place.

ARTICLE II.

There shall be between all the dominions and possessions of the two High Contracting Parties, reciprocal freedom of commerce and navigation. The subjects and citizens of each of the two Contracting Parties, respectively, shall have liberty freely and securely to come, with their ships and cargoes, to all places, ports, and rivers in the dominions and possessions of the other, to which other foreign subjects or citizens are or may be permitted to come, upon the same terms and under the same conditions as those of the most favoured nations; and shall, throughout the whole extent of the dominions and possessions of the other, enjoy the same rights, privileges, liberties, favours, immunities and exemptions, in matters of commerce and navigation, which are or may be enjoyed by native subjects or citizens generally.

ARTICLE III.

No other or higher duties shall be imposed on the importation into the dominions and possessions of Her Britannic Majesty, of any article the produce or manufacture of the dominions and possessions of the United States of Columbia, from whatever place arriving, and no other or higher duties shall be imposed on the importation into the dominions and possessions of the United States of Columbia, of any article the produce or manufacture of Her Britannic Majesty's dominions and possessions, from whatever place arriving, than are or may be payable on the like article, the produce or manufacture of any other foreign country; nor shall any prohibition be maintained or imposed on the importation of any article the produce or manufacture of the dominions and possessions of either of the Contracting Parties into the dominions and possessions of the other, which shall not equally extend to the importation of the like articles being the produce or manufacture of any other country.

ARTICLE IV.

No other or higher duties or charges shall be imposed in the dominions and possessions of either of the Contracting Parties, on the exportation of any article to the dominions and possessions of the other, than such as are, or may be, payable on the exportation of the like article to any other foreign country; nor shall any prohibition be imposed on the exportation of any article from the dominions and possessions of either of the two Contracting Parties to the dominions and possessions of the other, which shall not equally extend to the exportation of the like article to any other country.

ARTICLE V.

The subjects or citizens of one of the Contracting Parties shall enjoy, in the dominions and possessions of the other, equality of treatment with native subjects or citizens in all that relates to the transit trade; and also in regard to warehousing, bounties, facilities, and drawbacks.

de sus posesiones y territorios, y entre sus súbditos y ciudadanos, respectivamente, sin distincion de lugares ni personas.

ARTICULO II.

Habrá entre todos los dominios y posesiones de las dos Altas Partes Contratantes, libertad recíproca de comercio y navegacion. Los súbditos y ciudadanos de cada una de las Partes Contratantes, respectivamente, podrán libremente, y con toda eguridad, venir con sus navios y cargamentos á todos los lugares, puertos y rios, en los dominios y posesiones de la otra, á los cuales sea permitida la entrada á otros súbditos y ciudadanos extranjeros, y en los términos y con las condiciones con que lo hagan los de la nacion mas favorecida; y gozarán, en todos los dominios y posesiones de la otra, de todos los derechos, privilejios, libertades, favores, inmunidades y exenciones, en materias de comercio y navegacion, de que gozen, ó puedan gozar, los súbditos ó ciudadanos nacionales en general.

ARTICULO III.

No se impondrán otros, ó mas altos derechos, sobre la importacion en los dominios y posesiones de Su Majestad Británica, de cualquier artículo que sea el producto ó de manufactura de los dominios y posesiones de los Estados Unidos de Colombia, de cualquier lugar que llegue; ni tampoco se impondrán otros, ó mas altos derechos, sobre la importacion en los dominios y posesiones de los Estados Unidos de Colombia, de cualquier artículo que sea el producto ó de manufactura de los dominios y posesiones de Su Majestad Británica, de cualquier lugar que llegue, que los que se pagan, ó puedan pagarse, sobre la importacion de un artículo semejante que sea el producto ó de manufactura de cualquiera otro pais extranjero; tampoco se impondrá, ni mantendrá, prohibicion alguna para la importacion, en los dominios y posesiones de una de las Partes Contratantes, de cualquier artículo que sea el producto ó de manufactura de la otra, que no se haga igualmente estensiva á la importacion de un artículo semejante que sea el producto, ó de manufactura, de cualquiera otro pais.

ARTICULO IV.

No se impondrán otros ó mas altos derechos ó impuestos, en los dominios y posesiones de una de las Partes Contratantes, sobre la exportacion de cualquier artículo á los dominios y posesiones de la otra, que los que se paguen, ó puedan pagarse, sobre la exportacion de un artículo semejante á cualquiera otro pais extranjero; tampoco se impondrá prohibicion alguna para la exportacion de cualquier artículo de los dominios y posesiones de una de las Partes Contratantes, á los dominios y posesiones de la otra, que no se haga igualmente estensiva á la exportacion de un artículo semejante á cualquiera otro pais.

ARTICULO V.

Los súbditos ó ciudadanos de una de las Partes Contratantes gozarán, en los dominios y posesiones de la otra, del mismo tratamiento, en todo lo que tiene relacion con el comercio de tránsito, de que gozan los súbditos ó ciudadanos nacionales; lo mismo sucederá en lo relativo á almacenaje, premios, facilidades y descuentos.

ARTICLE VI.

All articles which are or may be legally importable into the ports of the dominions and possessions of Her Britannic Majesty in British vessels, may likewise be imported into those ports in Columbian vessels, without being liable to any other or higher duties or charges, of whatever denomination, than if such articles were imported in British vessels; and reciprocally, all articles which are or may be legally importable into the ports of the dominions and possessions of the United States of Columbia in Columbian vessels, may likewise be imported into those ports in British vessels, without being liable to any other or higher duties or charges, of whatever denomination, than if such articles were imported in Columbian vessels. Such reciprocal equality of treatment shall take effect without distinction, whether such articles come directly from the place of origin, or from any other place.

In the same manner there shall be perfect equality of treatment in regard to exportation, so that the same export duties shall be paid, and the same bounties and drawbacks allowed, in the dominions and possessions of either of the Contracting Parties, on the exportation of any article which is or may be legally exportable therefrom, whether such exportation shall take place in British or in Columbian vessels, and whatever may be the place of destination, whether a port of either of the Contracting Parties or of any third Power.

ARTICLE VII.

No duties of tonnage, harbour, pilotage, lighthouse, quarantine, or other similar or corresponding duties, of whatever nature, or under whatever denomination, levied in the name or for the profit of Government, public functionaries, private individuals, corporations, or establishments of any kind, shall be imposed in the ports of the dominions and possessions of either country upon the vessels of the other country, which shall not equally and under the same conditions be imposed, in the like cases, on national vessels in general. Such equality of treatment shall apply reciprocally to the respective vessels, from whatever port or place they may arrive, and whatever may be their place of destination.

ARTICLE VIII.

In all that regards the stationing, loading, and unloading of vessels in the ports, basins, docks, roadsteads, harbours, or rivers of the dominions and possessions of the two countries, no privilege shall be granted to national vessels which shall not be equally granted to vessels of the other country; the intention of the Contracting Parties being that in this respect also the respective vessels shall be treated on the footing of perfect equality.

ARTICLE IX.

The stipulations of the preceding Articles shall not apply to the coasting trade, which remains subject to the particular legislation of each of the High Contracting Parties.

ARTICULO VI.

Todo artículo que sea, ó pueda ser legalmente importado en los puertos de los dominios y posesiones de Su Majestad Británica, en buques Británicos, puede igualmente importarse en los mismos puertos, en buques Colombianos, sin que esté sujeto á otros, ó mas altos derechos ó impuestos, de cualquiera denominacion que sean, que á los que estaria sujeto si fuera importado en buques Británicos; y reciprocamente, todo artículo que sea, ó pueda ser legalmente importado en los puertos de los dominios y posesiones de los Estados Unidos de Colombia, en buques Colombianos, puede igualmente importarse en los mismos puertos, en buques Británicos sin que esté sujeto á otros, ó mas altos derechos ó impuestos, de cualquiera denominacion que sean, que á los que estaria sujeto si fuera importado en buques Colombianos. Esta igualdad recíproca de tratamiento tendrá efecto sin distincion alguna, ya en caso que tal artículo venga directamente del lugar de su oríjen, ya que venga de cualquiera otro lugar.

De la misma manera habrá perfecta igualdad de tratamiento con respecto á la exportacion, de suerte que se pagarán los mismos derechos de exportacion, y se concederán los mismos premios y descuentos, en los dominios y posesiones de cualquiera de las Partes Contratantes, sobre la exportacion de cualquier artículo que sea ó que pueda ser legalmente exportado de ellos, ya sea en buques Británicos, ya sea en buques Colombianos, y cualquiera que sea el lugar de su destino, bien sea un puerto de una de las Partes Contratantes, bien sea un puerto de una nacion tercera.

ARTICULO VII.

No se impondrán sobre los buques de cualquiera de los dos paises, en los puertos de los dominios y posesiones del otro, derechos de tonelaje, puerto, pilotaje, fanal, cuarentena, ú otros semejantes, ó que equivalgan á estos, de cualquiera naturaleza que sean, ó bajo cualquiera denominacion, y que se establezcan á nombre ó en provecho del Gobierno, ó de funcionarios públicos, individuos privados, corporaciones ó establecimientos de cualquiera clase, que no se impongan igualmente, y bajo las mismas condiciones, en casos semejantes, sobre los buques nacionales en general. Esta igualdad de tratamiento tendrá efecto reciprocamente con los buques respectivos, de cualquiera puerto ó lugar que lleguen, y cualquiera que pueda ser el lugar de su destino.

ARTICULO VIII.

No se concederá privilejio alguno á los buques nacionales, con respecto á estaciones, carga y descarga, en los puertos, bahías, diques, radas, ensenadas ó rios, de los dominios y posesiones de los dos paises, que no se conceda igualmente á los buques del otro; siendo la intencion de las Partes Contratantes que en este particular los buques respectivos sean tambien tratados bajo el pie de perfecta igualdad.

ARTICULO IX.

Lo estipulado en los Artículos anteriores no es aplicable al comercio costanero, el cual queda sujeto á la lejislacion particular de cada una de las Altas Partes Contratantes.

The vessels of each of the two Contracting Parties shall, however, be at liberty, if the captain, proprietor, or other person duly authorized to act as agent for the vessel or cargo, shall consider advisable, to proceed from one port of one of the two countries to one or more ports of the same country, in order to discharge the whole or part of their cargo brought from abroad, or in order to take in or complete their cargo, without paying other duties than those which are, or may be, paid by national vessels in similar cases.

Sin embargo, los buques de cada una de las dos Partes Contratantes tendrán libertad, si el comandante, el propietario, ú otra persona debidamente autorizada para obrar como ajente para el buque ó el cargamento, lo considerase conveniente, de proceder de un puerto de uno de los dos paises, á uno, ó varios puertos del mismo pais, con el objeto de descargar todo ó parte de su cargamento, que haya sido traido del extranjero, ó con el de tomar ó completar su carga, sin pagar otros derechos que los que paguen, ó puedan pagar, de ahora en adelante, los buques nacionales en casos semejantes.

Article X.

All vessels which according to British law are to be deemed British vessels, and all vessels which according to Columbian law are to be deemed Columbian vessels, shall, for the purposes of this Treaty, be deemed British and Columbian vessels respectively.

Articulo X.

Todos los buques que segun las leyes Británicas sean considerados como Británicos, y todos los buques que segun las leyes Colombianas sean considerados como Colombianos, se considerarán, para los objetos de este Tratado, como buques Británicos y Colombianos respectivamente.

Article XI.

Any import duty levied *ad valorem* in the territories of either of the two High Contracting Parties shall be calculated on the value at the place of production or fabrication of the object imported, with the addition of the cost of transport, insurance, and commission necessary for the importation into the country to which it is carried, its dominions and possessions, as far as the port of discharge.

For the levying of these duties, the importer shall make a written declaration at the Custom-house, stating the value and description of the goods imported, with the addition aforesaid. If the Custom-house authorities shall be of opinion that the declared value is insufficient, they shall be at liberty to take the goods on paying to the importer the price declared, with an addition of five per cent.

This payment, together with the restitution of any duty which may have been levied upon such goods, shall be made within the fifteen days following the declaration.

Articulo XI.

Cualquiera derecho de importacion impuesto *ad valorem*, en el territorio de cualquiera de las dos Altas Partes Contratantes, se calculará sobre el valor del objeto importado, en el lugar de la produccion ó fábrica, con el costo adicional de transporte, aseguro y comision que sea necesario para la importacion en el pais adonde se lleva, sus dominios y posesiones, y hasta el puerto donde se haga el descargo.

Para exijir estos derechos, el importador hará una declaracion escrita en la Aduana, en que conste el valor y la descripcion de los artículos importados, con la adicion de que se habla arriba. Si las autoridades de la Aduana creyeren que el valor declarado es insuficiente, podrán tomar los artículos, pagando al importador el precio declarado, con una adicion de un cinco por ciento.

Este pago, junto con cualquiera restitucion de derechos que se hayan exijido sobre tales artículos, se hará dentro de quince dias despues de la declaracion.

Article XII.

The subjects or citizens of each of the Contracting Parties shall have, in the dominions and possessions of the other, the same rights as native subjects or citizens in regard to trade-marks and designs of every description applicable to articles of manufacture.

Articulo XII.

Los súbditos ó ciudadanos de una de las Partes Contratantes tendrán, en los dominios y posesiones de la otra, los mismos derechos, con respecto á marcas de comercio y diseños, de cualquiera descripcion, que sean aplicables á artículos de manufactura, que los que tienen los súbditos ó ciudadanos nacionales.

Article XIII.

The Diplomatic Agents and Consuls of each of the two High Contracting Parties in the dominions or territories of the other shall enjoy whatever privileges, exemptions, and immunities are or shall be granted there to Agents of the same rank, belonging to the most favoured nation.

It shall be free for each of the Contracting Parties to appoint Consuls-General, Consuls, Vice-Consuls, and Consular Agents, to reside in the towns and ports of the dominions and possessions of the other. Such Consuls-General, Consuls, Vice-Consuls, and Consular Agents, however, shall not enter upon their functions until after they

Articulo XIII.

Los Ajentes Diplomáticos y Cónsulares de cada una de las Altas Partes Contratantes, en los dominios ó territorios de la otra, gozarán de cualesquiera privilejios, exenciones é inmunidades que se han concedido, ó que se concedieren alli, á Ajentes del mismo rango, que pertenezcan á la nacion mas favorecida.

Cada una de las Partes Contratantes tiene libertad para nombrar Cónsules-Generales, Cónsules, Vice-Cónsules y Ajentes Consulares, para que residan en las ciudades y puertos de los dominios y posesiones de la otra. Sin embargo, tales Cónsules-Generales, Cónsules, Vice-Cónsules y Ajentes Consulares, no entrarán á ejercer sus

shall have been approved and admitted, in the usual form, by the Government to which they are sent. They shall exercise whatever functions, and enjoy whatever privileges, exemptions, and immunities are or shall be granted there to Consuls of the most favoured nation.

funciones hasta que no hayan sido aprobados y admitidos, en la forma de costumbre, por el Gobierno al cual hayan sido enviados. Ellos ejercerán cualesquiera funciones, y gozarán de cualesquiera privilejios, exenciones é inmunidades que se han concedido, ó se concedieren alli, á los Cónsules de la nacion mas favorecida.

Article XIV.

The subjects and citizens of each of the Contracting Parties, conforming themselves to the laws of the country,—

1. Shall have full liberty, with their families, to enter, travel, or reside in any part of the dominions and possessions of the other Contracting Party.

2. They shall be permitted to hire or possess the houses, manufactories, ware-houses, shops, and premises which may be necessary for them.

3. They may carry on their commerce, by wholesale or by retail, and either in person or by any agents whom they may think fit to employ.

4. They shall not be subject, in respect of their persons or property, or in respect of passports, licenses for residence or establishment, nor in respect of their commerce or industry, to any taxes, whether general or local, nor to imposts or obligations of any kind whatever, other or greater than those which are or may be imposed upon native subjects or citizens.

Articulo XIV.

Los súbditos y ciudadanos de cada una de las Partes Contratantes, que se conformen con las leyes del pais, tendrán :—

1. Entera libertad, ellos con sus familias, para entrar, viajar, ó residir en cualquiera parte de los dominios y posesiones de la otra Parte Contratante.

2. El derecho de adquirir casas, fábricas, almacenes, tiendas y predios, que les sean necesarios, ya sea en alquiler, ya sea en posesion.

3. La facultad de ejercer su comercio por mayor ó al detal, ellos mismos, ó por medio de Ajentes que puedan considerar aptos para ello.

4. Ademas, con respecto á sus personas ó propiedades, á pasaportes, permisos de residencia ó establecimiento, y á su comercio ó industria, no estarán sujetos á contribucion alguna, sea general ó local, ni tampoco á impuestos ú obligaciones de ninguna clase, que sean diferentes ó mayores que las que se han impuesto, ó se impusieren, á los súbditos ó ciudadanos nacionales.

Article XV.

The subjects or citizens of the two High Contracting Parties residing in the territories of the other, shall enjoy the most perfect and entire liberty of conscience, without being molested or disturbed on account of their religious belief. Neither shall they be molested or disturbed in the proper exercise of their religion, in private houses, or in the churches, chapels, or places destined for worship, provided that in so doing they observe the decorum due to Divine worship, and the respect due to the laws of the country. Liberty shall also be granted to bury the subjects or citizens of the two High Contracting Parties who may die in the territories of the other, in convenient and adequate places, to be appointed and established by the said resident subjects or citizens for that purpose, with the knowledge of the local authorities, or in such other places of sepulture as may be chosen by the friends of the deceased; and the funerals or sepulchres of the dead shall not be disturbed in any wise or upon any account.

Articulo XV.

Los súbditos ó ciudadanos de las dos Altas Partes Contratantes, residentes en los territorios de la otra, gozarán de la mas completa, absoluta y entera libertad de conciencia, sin que sean molestados ni perturbados á causa de sus creencias relijiosas. Tampoco serán molestados ni perturbados en el ejercio lejítimo de su relijion, en casas privadas, iglesias, capillas ó lugares destinados para el cúlto, con tal que al ejercerlo observen el decoro debido á la adoracion de la Divinidad, y el debido respeto á las leyes del pais. Tambien se concede libertad para enterrar á los súbditos ó ciudadanos de una de las dos Altas Partes Contratantes, que mueran en los territorios de la otra, en lugares convenientes y adecuados, que sean designados por los dichos súbditos ó ciudadanos residentes con este objeto, y con conocimiento de las autoridades locales, ó en cualquiera otro lugar de sepultura que los parientes del difunto puedan escojer; y los funerales ó sepulcros de los muertos no serán perturbados ni profanados de ninguna manera ni por ningun motivo.

Article XVI.

The subjects and citizens of each of the Contracting Parties in the dominions and possessions of the other shall be exempted from all compulsory military service whatever, whether in the army, navy, or national guard or militia. They shall be equally exempted from all judicial and municipal functions whatever, as well as from all contributions, whether pecuniary or in kind, imposed as a compensation for personal service; and, finally, from forced loans and military exactions or requisitions.

Articulo XVI.

Los súbditos y ciudadanos de cada una de las Partes Contratantes, en los dominios y posesiones de la otra, estarán exentos de todo servicio militar forzado, de cualquiera clase, ya sea en el ejército, ya sea en la marina, ó en la guardia nacional ó milicia. Igualmente estarán exentos de ejercer funcion judicial alguna ó cargo municipal, como tambien de toda contribucion pecuniaria ó en especie, impuesta como compensacion por servicios personales; y últimamente, de empréstitos forzosos y exacciones ó requisiciones militares.

ARTICLE XVII.

The subjects and citizens of each of the Contracting Parties in the dominions and possessions of the other, shall be at full liberty to acquire, possess, and dispose of every description of property which the laws of the country may permit any foreigners, of whatsoever nation, to acquire and possess. They may acquire and dispose of the same, whether by purchase, sale, donation, exchange, marriage, testament, succession *ab intestato*, or in any other manner, under the same conditions as are established by the laws of the country for all foreigners. Their heirs and representatives may succeed to and take possession of such property, either in person or by agents acting on their behalf, in the same manner and in the same legal forms as subjects or citizens of the country. In the absence of heirs and representatives the property shall be treated in the same manner as the like property belonging to a subject or citizen of the country under similar circumstances.

In none of these respects shall they pay upon the value of such property any other or higher impost, duty, or charge than is payable by subjects or citizens of the country. In every case the subjects or citizens of the Contracting Parties shall be permitted to export their property, or the proceeds thereof, if sold, freely, and without being subjected on such exportation to pay any duty as foreigners, or any other or higher duties than those to which subjects or citizens of the country are liable under similar circumstances.

ARTICULO XVII.

Los súbditos y ciudadanos de cada una de las Partes Contratantes, en los dominios y posesiones de la otra, tendrán entera libertad para adquirir, poseer y disponer de toda clase de propiedad que las leyes del pais permitan adquirir y poseer á cualquiera extranjero, de cualquier nacion que sea. Pueden adquirir y disponer de la dicha propiedad por medio de compra, venta, donacion, cambio, matrimonio, testamento, sucesion *ab intestato*, ó de cualquiera otra manera, bajo las mismas condiciones establecidas por las leyes del pais para todos los extranjeros. Sus herederos y representantes pueden sucederles, y tomar posesion de la tal propiedad por si mismos, ó por medio de ajentes que obren á su nombre, de la misma manera, y por los mismos trámites, que lo hacen los súbditos ó ciudadanos del pais. Por falta de herederos y representantes, la propiedad será tratada de la misma manera que una propiedad semejante perteneciente á un súbdito ó ciudadano del pais, en iguales circunstancias.

En ninguno de estos casos pagarán, sobre el valor de la tal propiedad, otros ó mas altos impuestos, derechos ó cargas, que las que deben pagar los súbditos ó ciudadanos del pais. En todo caso se les permitirá á los súbditos ó ciudadanos de las Partes Contratantes, el exportar su propiedad, ó el producto de ella si se ha vendido, libremente, y sin que estén sujetos á pagar por tal exportacion, derecho alguno como extranjeros, ni otros, ni mas altos derechos, que aquellos á que están sujetos los súbditos ó ciudadanos del pais, en iguales circunstancias.

ARTICLE XVIII.

The dwellings, manufactories, ware-houses, and shops of the subjects or citizens of each of the Contracting Parties in the dominions and possessions of the other, and all premises appertaining thereto, destined for purposes of residence or commerce, shall be respected. If there should be occasion to make a search of, or a domiciliary visit to, such dwellings and premises, or to examine or inspect books, papers, or accounts, such measure shall be executed only in conformity with the legal warrant or order in writing of a tribunal, or of the competent authority.

The subjects or citizens of each of the two Contracting Parties in the dominions and possessions of the other, shall have free access to the Courts of Justice for the prosecution and defence of their rights. They shall enjoy in this respect the same rights and privileges as subjects or citizens of the country, and shall, like them, be at liberty to employ, in all causes, their advocates, attorneys, or agents from among the persons admitted to the exercise of those professions according to the laws of the country.

ARTICULO XVIII.

Las habitaciones, fábricas, almacenes y tiendas de los súbditos ó ciudadanos de cada una de las Partes Contratantes, en los dominios y posesiones de la otra, y todos los predios pertenecientes á ellos, destinados para residencia ó para el comercio, serán respetados. Si fuere necesario hacer un rejistro, ó una visita, domiciliaria á las tales habitaciones ó predios, ó si se necesitare examinar ó inspeccionar libros, papeles ó cuentas, estas medidas se ejecutarán solamente de conformidad con un acto legal, ó una órden por escrito de un Tribunal, ó de la autoridad competente.

Los súbditos ó ciudadanos de cada una de las dos Partes Contratantes, en los dominios y posesiones de la otra, tendrán libre acceso á las Cortes de Justicia para la vindicacion ó defensa de sus derechos. Gozarán, en este respecto, de los mismos derechos y privilejios de que gozan los súbditos ó ciudadanos del pais, y como ellos, tendrán libertad para emplear en todas las causas, sus abogados, notarios ó ajentes, de entre las personas admitidas para ejercer esas profesiones, segun las leyes del pais.

ARTICLE XIX.

For the better security of commerce between the subjects and citizens of the two High Contracting Parties, it is agreed that if at any time any rupture, or any interruption of friendly intercourse, should unfortunately take place between the two Contracting Parties, the subjects or citizens of either of them, established in the territories of the other, who may reside upon the coasts, shall be allowed six months, and those who may reside in

ARTICULO XIX.

Para la mayor seguridad del comercio entre los súbditos y ciudadinos de las dos Altas Partes Contratantes, se conviene en que si, desgraciadamente, en cualqueira tiempo ocurriere una ruptura, ó una interrupcion de las relaciones amistosas entre las dos Partes Contratantes, los súbditos ó ciudadanos de cualquiera de ellas, establecidos en los territorios de la otra, y que residan en las costas, se les concederán seis meses, y para los que residan en el inte-

the interior a whole year, to wind up their accounts and to dispose of their property; and a safe-conduct shall be given to them to embark at the port which they themselves shall select. The subjects or citizens of either of the two Contracting Parties who may be established in the dominions or territories of the other, in the exercise of any trade or other occupation or employment, shall be allowed to remain and continue in the exercise of the said trade or occupation, notwithstanding the interruption of friendship between the two countries, in the free enjoyment of their personal liberty and property, so long as they behave peaceably and observe the laws; and their goods and effects, of whatever description they may be, whether in their own custody or entrusted to individuals or to the State, shall not be liable to seizure or sequestration, or to any other charges or demands than those which may be made upon the like effects or property belonging to native subjects or citizens. In the same case, or in case of domestic troubles, debts between individuals, public funds, and the shares of Companies, shall never be confiscated, sequestered, or detained.

rior un oñ entero, para fenecer sus cuentas y disponer de su propiedad, y se les dará un salvo conducto para embarcarse en el puerto que ellos mismos escojan. A los súbditos ó ciudadanos de cualquiera de las dos Partes Contratantes que estén establecidos en los dominios ó territorios de la otra, ejerciendo un comercio cualquiera, ú otra ocupacion ó empleo, se les permitirá permanecer, y continuar en el ejercicio del dicho comercio ú ocupacion, á pesar de la interrupcion de la amistad entre los dos paises, y gozarán de su libertad y propiedad personales durante todo el tiempo que se conduzcan pacificamente, y observen las leyes; y sus mercancias y efectos, de cua-lquiera descripcion que sean, ya estén á su propio cuidado, ó confiados á otros individuos ó al Estado, no esterán sujetos á embargo ó secuestro, ni á otras cargas ó reclamos, que los que se peudan hacer sobre efectos ó propiedades semejantes pertenecients á súbditos ó ciudadanos nacionales. En el mismo caso, ó en el caso de desórdenes domésticos, las deudas entre individuos, los fondos públicos, ó las acciones de compañias, no serán jamas confiscadas, secuestradas ó detenidas.

Article XX.

Any ship of war or merchant-vessel of either of the Contracting Parties which may be compelled by stress of weather, or by accident, to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary stores, and to put to sea again, without paying any dues other than such as would be payable in a similar case by a national vessel. In case, however, the master of a merchant-vessel should be under the necessity of disposing of a part of his merchandize in order to defray his expenses, he shall be bound to conform to the regulations and tariffs of the place to which he may have come.

If any ship of war or merchant-vessel of one of the Contracting Parties should run aground or be wrecked upon the coasts of the other, such ship or vessel, and all parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandize saved therefrom, including any which may have been cast into the sea, or the proceeds thereof if sold, as well as all papers found on board such stranded or wrecked ship or vessel, shall be given up to the owners or their agents when claimed by them. If there are no such owners or agents on the spot, then the same shall be delivered to the British or Columbian Consul-General, Consul, or Vice-Consul, in whose district the wreck or stranding may have taken place, upon being claimed by him within the period fixed by the laws of the country; and such Consuls, owners, or agents, shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the like case of a wreck of a national vessel.

The goods and merchandize saved from the wreck shall be exempt from all duties of Customs, unless cleared for consumption, in which case they shall pay the same rate of duty as if they had been imported in a national vessel.

In the case either of a vessel being driven in by stress of weather, run aground, or wrecked, the respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall, if the owner or

Articulo XX.

Todo buque de guerra ó mercante de cualquiera de las Partes Contratantes que sea obligado por temporal, ó por cualquiera accidente, á refujiarse en un puerto de la otra, tendrá libertad para embonar allí, procurarse los abastos necesarios, y zarpar otra vez, sin pagar otros derechos que los que serian pagaderos, en casos semejantes, por un buque nacional. Sin embargo, en caso que el comandante de un buque mercante, se vea en la necesidad de disponer de parte de sus mercancias para cubrir sus gastos, tendrá que conformarse con las reglas y tarifas del lugar á donde haya llegado.

Si un buque de guerra ó mercante de una de las Partes Contratantes encallare, ó hiciere naufragio en las costas de la otra, dicho navio ó buque, todas sus partes, sus aparejos y accesorios, y todos los jéneros y mercancias que de él se hayan salvado, inclusive las que se hayan arrojado al mar, ó el producto de ellas si hubiesen sido vendidas, lo mismo que todos los papeles que se encuentren á bordo de dicho buque encallado ó náufrago, se entregarán á sus propietarios ó á sus ajentes cuando ellos los reclamen. Si no hubiere dichos propietarios ó ajentes en el lugar, entónces los dichos efectos y papeles serán entregados al Cónsul-General, Cónsul, ó Vice-Cónsul Británico ó Colombiano, en cuyo distrito haya tenido lugar la encallada ó naufrajio, debiendo este hacer el reclamo dentro del periodo fijado por las leyes del pais; y dichos Cónsules, proprietarios ó ajentes, pagarán solamente los gastos hechos para salvar la propiedad, junto con la cuota de salvamento ú otros gastos que hubieran sido pagaderos en un caso semejante de naufrajio de un buque nacional.

Los jéneros y mercancias salvadas del naufrajio serán exentas de todo derecho de Aduana, á no ser que se introduzcan para el consumo, en cuyo caso pagarán el mismo derecho que si hubieran sido importadas en un buque nacional.

En el caso que un buque sea arrojado por un temporal, que encalle, ó que haga naufrajio, los respectivos Cónsules-Generales, Cónsules, Vice-Cónsules, y Ajentes Consulares, si el propietario, el

master or other Agent of the owner is not present, or is present and requires it, be authorized to interpose in order to afford the necessary assistance to their fellow-countymen.

ARTICLE XXI.

The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of each of the Contracting Parties, residing in the dominions and possessions of the other, shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries.

ARTICLE XXII.

The present Treaty of Commerce and Navigation, when ratified, shall, so far as regards the United States of Columbia, be substituted for the Treaty between His Britannic Majesty and the State of Columbia, signed at Bogotá on the 18th of April, 1825, and shall remain in force for ten years from the date of the exchange of the ratifications, and further until the expiration of twelve months after either of the Contracting Parties shall have given notice to the other of its intention to terminate the same; each of the Contracting Parties being at liberty to give such notice to the other at the expiration of the first nine years, or at any time afterwards.

ARTICLE XXIII.

The present Treaty shall be ratified, and the ratifications shall be exchanged at London in twelve months, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at London, the sixteenth day of February, in the year of our Lord one thousand eight hundred and sixty-six.

(L. S.) CLARENDON.
(L. S.) THOS. MILNER GIBSON.
(L. S.) T. C. DE MOSQUERA.

comandante, ó el ajento del propietario no estan presentes, ó si estan presentes y ellos lo solicitan, estarán autorizados para intervenir con el objeto de proporcionar el auxilio necesario á sus compatriotas.

ARTICULO XXI.

Los Cónsules-Generales, Cónsules, Vice-Cónsules, y Ajentes Consulares de cada una de las Partes Contratantes, residentes en los dominios y posesiones de la otra, recibirán de las autoridades locales el auxilio que segun las leyes pueda darse para la recuperacion de desertores de los buques de sus respectivos paises.

ARTICULO XXII.

El presente Tratado de Comercio y Navegacion, cuando esté ratificado, sustituirá, en lo que respecta á los Estados Unidos de Colombia, al Tratado entre Su Majestad Británica y la República de Colombia, firmado en Bogotá, en 18 de Abril, de 1825, y permanecerá en fuerza por diez años desde la fecha del canje de las ratificaciones, y ademas hasta la expiracion de doce meses despues de que una de las Partes Contratantes haya notificado á la otra su intencion de terminarlo; teniendo cada una de las Partes Contratantes libertad de hacer á la otra dicha notificacion á la expiracion de los primeros nueve años, ó en cualquiera época posterior.

ARTICULO XXIII.

El presente Tratado será ratificado, y las ratificaciones canjeadas en Lóndres dentro de doce meses, ó ántes si fuere posible.

En fé de lo cual los Plenipotenciarios respectivos han firmado el presente Tratado, y lo han sellado con sus sellos respectivos.

Hecho en Lóndres, á diez y seis de Febrero, el año del Señor de mil ochocientos sesenta y seis.

(L. S.) CLARENDON.
(L. S.) THOS. MILNER GIBSON.
(L. S.) T. C. DE MOSQUERA.

The 11th December 1866.

General.

No. 1858.

APPOINTMENT.—Captain A. G. Duff, Deputy Commissioner, 4th Grade, in British Burmah, to officiate as a Deputy Commissioner of the 3rd Grade, vice Captain C. P. Hildebrand, with effect from the 30th September last, from which date Captain Street's officiating appointment ceases.

No. 1860.

Captain Horace Browne, Deputy Commissioner, 3rd Grade, in British Burmah, has passed an examination in the Burmese language by the 2nd or higher standard.

The 13th December 1866.

No. 1887.

LEAVE.—Lieutenant T. H. B. Brooke, Assistant Commissioner in the Central Provinces, is granted two months' privilege leave.

No. 1889.

Captain F. A. Fenton, Deputy Commissioner of Raepore, in the Central Provinces, is granted six weeks' preparatory leave to proceed to Bombay for the purpose of appearing before a Medical Board.

The 14th December 1866.

No. 1896.

Mr. J. K. Macrae to be an Assistant Commissioner, 1st Grade, in British Burmah.

Mr. J. Treacy to be a Supernumerary Assistant Commissioner, 1st Grade, but to continue to officiate as a Deputy Commissioner, 4th Grade, until further orders.

The above appointments will have effect from the 9th October last.

No. 1898.

Mr. J. G. Cordery, Deputy Commissioner, Akolah District, has obtained leave of absence for one month, on medical certificate, in extension of the leave granted to him in G. O. No. 1688, dated 31st October last.

No. 1900.

Mr. J. S. Campbell, Judicial Commissioner of the Central Provinces, has been granted six months' leave of absence to proceed to England on urgent private affairs, with preparatory leave for two days.

J. W. S. WYLLIE,

Offg. Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

NOTIFICATIONS.

Fort William, the 12th December 1866.

No. 2237.

Mr. E. W. S. Login received charge of the Money Order Office at Bombay from Mr. Maidment, in the forenoon of the 29th ultimo.

From R. P. HARRISON, ESQ., Comptroller General of Accounts, to the Secretary to the Government of India, Financial Department,—No. 901, dated 5th December 1866.

Monthly Statement of Accounts that have been received under the New System up to 30th November 1866.

ACCOUNTING OFFICES.	FOR 1865-66, UP TO WHAT MONTH.	FOR 1866-67, UP TO WHAT MONTH.
Accountant General, British Burmah .	April 1866	Sept. 1866.
Deputy Accountant General, Hyderabad .	Ditto 1866	Ditto 1866
Accountant General, Madras	Ditto 1866	Ditto 1866.
Ditto, Bombay	Ditto 1866.	Ditto 1866.
Ditto, Punjab	Ditto 1866	August 1866.
Ditto, Bengal	Ditto 1866	Ditto 1866.
Public Works Department	Ditto 1866.	July 1866.
Deputy Accountant General, Central Provinces	Ditto 1866	Ditto 1866.
Treasury and Departmental Accounts Branch (Eastern Settlements) ..	Ditto 1866.	Ditto 1866.
Treasury and Departmental Accounts Branch (India)	March 1866.	Ditto 1866.
Accountant General, N. W. Provinces (for Oude)	April 1866.	June 1866.
Ditto, N. W. Provinces (for N. W. Provinces)	Ditto 1866.	Ditto 1866.
Military Department	Ditto 1866.	Ditto 1866.

Forwarded for information to the Financial Department, the Accountants General, and the Deputy Accountants General in independent charge, Civil Department, the Controller General of Military Expenditure, and the Accountant General, P. W. Department.

No. 2264.

Ordered that the above be published in the *Gazette of India.*

The 13th December 1866.

No. 2301.

Mr. J. C. Gilliland, an Assistant in the 5th Class of the Financial Department, attached to the Office of the Accountant General, Punjab, is allowed one month's privilege leave, beginning within one month after the 10th rpoximo.

2. Mr. Kenneth McKenzie to officiate for Mr. Gilliland during his absence on leave.

The 14th December 1866.

No. 2332.

Statement of the amount of Government Currency Notes in circulation, of the amount of Coin and Bullion Reserve, and of Government Securities held by the Department of Issue of Paper Currency.

DATE OF RETURNS	CIRCLES OF ISSUE.	NOTES IN CIRCULATION.	SILVER COIN RESERVE.	GOLD COIN RESERVE.	SILVER BULLION RESERVE	GOVERNMENT SECURITIES HELD IN CALCUTTA.	NOTES OF OTHER CIRCLES.
1866.		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
30th Nov.	Calcutta Circle ...	3,04,45,430	57,88,967	2,10,000	74,42,878	1,39,77,265	30,26,380
"	Allahabad Branch ditto ...	33,67,420	22,64,099	30	...	11,03,291	...
"	Lahore ditto ditto ...	30,57,070	23,57,033	...	...	7,00,037	...
"	Nagpore ditto ditto ...	39,75,600	34,27,719	...	...	5,47,881	...
"	Madras Circle ...	65,00,000	20,68,735	...	...	30,02,845	14,28,420
"	Calicut Branch ditto ...	13,28,170	12,26,011	2,100	...	1,00,059	...
"	Trichinopoly ditto ditto ...	10,87,350	9,87,291	...	...	1,00,059	...
"	Vizagapatam ditto ditto ...	3,93,130	2,93,071	...	...	1,00,059	...
"	Bombay Circle ...	5,43,05,000	3,71,07,192	...	9,00,000	1,62,97,808	...
"	Kurrachee Branch Circle	9,46,530	4,46,424	...	...	5,00,106	...
		10,54,05,760	...	...	...	...	44,54,800
	Deduct Notes of other Circles cashed at Calcutta and Madras ...	44,54,800	...	...	...	...	...
	Total ...	10,09,50,960	5,59,66,542	2,12,130	83,42,878	3,64,20,410	...

CALCUTTA;
DEPARTMENT OF ISSUE OF PAPER CURRENCY,
The 5th December 1866.

(Signed) J. A. BALLARD,
Offg. Head Commissioner of Paper Currency.

No. 2333.

In continuation of Notification No. 3047, dated the 26th October 1866, the following Statement of Cash Balances, as reported up to this date, in the Government Treasuries in India, at the close of the month of September last, contrasted with that of the previous years, is published for general information :—

	September 1864.	September 1865.	September 1866.
	Rs.	Rs.	Rs.
Government of India	2,06,49,641	1,53,86,269	86,60,132
Bengal	1,76,84,203	1,40,14,029	1,28,81,913
British Burmah		30,75,296	21,26,185
North-Western Provinces	1,67,95,031	1,70,69,526	1,67,89,204
Oudh		51,34,629	35,10,063
Punjab	1,00,29,607	1,27,86,543	1,05,93,147
Bombay	2,02,45,583	1,81,63,872	2,16,94,726
Central Provinces	42,07,213	45,86,520	41,51,867
Deccan	21,83,777	22,92,204	38,94,647
Madras	2,10,29,441	1,54,00,515	1,53,58,775
Total	11,28,24,496	10,79,09,403	9,96,60,659

E. H. LUSHINGTON,

Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 7th December 1866.

No. 1038 *of* 1866.—The under-mentioned Officers having passed an examination in drill before the Inspecting Officer, their appointments in the Behar Mounted Rifle Corps, which were provisionally made, as notified in Government General Orders noted in the margin, are confirmed :—

| No. 779, dated 10th August 1865.
No. 369, dated 23rd April 1866.

Behar Mounted Rifle Corps.

Captain F. Collingridge.
" R. M. Skinner.
" C. V. Argles.
Lieutenant A. S. Urquhart.
Cornet J. M. Wilson.
" G. W. Llewellin.
" F. Halliday.

The 10*th December* 1866.

No. 1039 *of* 1866.—Lieutenant Colonel R. C Wroughton, Deputy Commissary General, is allowed leave of absence for one year, from the 16th October 1866, to visit Nynee Tal and the hills north of Deyrah, on medical certificate, under the new Regulations.

No. 1040 *of* 1866.—Deputy Inspector General of Hospitals Edward Hare, of the Medical Department, is permitted to retire from the service on a pension of £456 per annum, with the additional pension of £250, under the provisions of paragraph 14 of Government General Order No. 901 of 26th October 1866.

The 11*th December* 1866.

No. 1041 *of* 1866.—The under-mentioned Non-Commissioned Officers are admitted to pension as specified opposite to their names :—

Sergeant William Jenkins, of the Bengal Artillery, attached to the Sappers and Miners	Rs. 30 per mensem, payable in India.
Sergeant Major Thomas Burrows, of the 15th Regiment Native Infantry	Equivalent to 2*s.* 6*d.* per diem, payable in India.
Sub-Conductor Michael Larkin, attached to the Office of the Quarter Master General ...	2*s.* 6*d.* per diem as Sergeant Major, payable in Europe.

No. 1042 *of* 1866.—The services of Assistant Apothecary J. Robertson, of the Subordinate Medical Department, are placed temporarily at the disposal of the Government of Bengal, with effect from the 22nd August 1866.

No. 1043 *of* 1866.—Captain Francis Hill Macnaghten, of the late 5th Bengal European Light Cavalry, Doing-duty Officer and Officiating Sub-Assistant, Stud Department, was allowed leave of absence from the 15th to the 25th October 1866, to visit the Presidency, preparatory to proceeding on leave of absence on medical certificate to Europe, under the new Regulations.

No. 1044 *of* 1866.—The under-mentioned Officers have reported their return from England :—

	Date of arrival at Fort William.
Lieutenant L. McDowell, of the General List, Infantry ...	5th December 1866.
Lieutenant J. R. Marett, of the late 2nd Regiment of Native Infantry ...	
Lieutenant F. J. Alexander, of the Invalid Establishment .	
Lieutenant C. J. Durand, of the late 14th Regiment of Native Infantry ...	

No. 1045 *of* 1866.—The under-mentioned Soldiers of Her Majesty's service are permitted to reside and draw their pay in India as Out-pensioners of Chelsea Hospital, in accordance with the Royal Warrant of the 23rd July 1864, pending a reference to the Home authorities as to the amount of their pensions :—

Private William Brown, 21st Hussars.
Private John Farrell, 79th Highlanders.

The 13*th December* 1866.

No. 1046 *of* 1866.—The following promotions are made, from the dates specified, under the operation of Government General Order No. 632 of the 4th August 1864, paragraph 69, subject to Her Majesty's approval :—

BREVET.

To be Colonels.

Lieut. Colonel Henry Nott, Madras Infantry.	18th Feb. 1866.
Lieut. Colonel Edward Patrick Lynch, K. L. S., Bombay Infantry.	
Lieut. Colonel Richard Stewart Dobbs, Madras Staff Corps.	
Lieut. Colonel Sir Robert Wallace, K. C. S. I., Bombay Staff Corps.	
Lieut. Colonel Robert James Shaw, Bombay Staff Corps.	
Lieut. Colonel William George Woods, Madras Staff Corps.	
Lieut. Colonel Raymond Torin Snow, Madras Staff Corps.	
Lieut. Colonel John Kitson, Madras Infantry.	
Lieut. Colonel Burdett Richard Powell, Bombay Infantry.	
Lieut. Colonel George Sturrock, Madras Infantry.	
Lieut. Colonel Edward Every Miller, Madras Staff Corps.	
Lieut. Colonel Albert Henry Andrew Hervey, Madras Infantry.	
Lieut. Colonel William Frederick Eden, Madras Staff Corps.	18th Feb. 1866.
Lieut. Colonel Arthur Wyndham, Madras Staff Corps.	
Lieut. Colonel John Wilson, Madras Infantry.	
Lieut. Colonel Annesley Knox Gore, Madras Infantry.	
Lieut. Colonel Francis Henry Scott, Madras Staff Corps.	
Lieut. Colonel George William Russell, Madras Staff Corps.	
Lieut. Colonel Molyneux Capel Spottiswoode, Madras Infantry.	
Lieut. Colonel William Vine, Madras Cavalry.	
Lieut. Colonel Henry Man, Madras Staff Corps.	
Lieut. Colonel John White, Madras Staff Corps.	
Lieut. Colonel William John Cooke, Madras Infantry.	
Lieut. Colonel William George Owen, Madras Infantry.	
Lieut. Colonel Alexander John Greenlaw, Madras Staff Corps	
Lieut. Colonel Henry David Innes, Madras Infantry.	
Lieut. Colonel Richard Andrew Doria, Madras Infantry.	24th Feb. 1866.
Lieut. Colonel William Charles Robertson Macdonald, Madras Staff Corps.	
Lieut. Colonel Anthony Robert Thornhill, Madras Staff Corps.	27th April 1866.
Lieut. Colonel Robert Woolley, Madras Infantry.	13th June 1866.
Lieut. Colonel Francis Faithful Warden, Madras Infantry.	
Lieut. Colonel Robert Richards, Bombay Infantry.	13th Nov. 1866.
Lieut. Colonel Edward Charles Beale, Bombay Infantry.	11th Dec. 1866.
Lieut. Colonel Charles Robert West Hervey, C. B., Bombay Staff Corps.	
Lieut. Colonel James Eardley Gastrell, Bengal Staff Corps.	

The 14*th December* 1866.

No. 1047 *of* 1866.—The under-mentioned Out-pensioners of the Royal Hospital at Chelsea having been permitted to reside and draw their stipends in India, payment of pension is to be made and charged accordingly :—

	Rate of Pension per diem.
Sergeant James Ross Leigh late of the 25th Brigade, Royal Artillery	2*s.*, from the date on which he ceases to receive Regimental pay or allowance.

Drummer James Desmond, late of the 104th Foot	1*s.*, from the date on which he ceases to receive Regimental pay or allowance.
Private Charles Myall, late of the 105th Foot	1*s.*, from the date on which he ceases to receive Regimental pay or allowance.
Private Hugh McManus, late of the 105th Foot	1*s.*, from the date on which he ceases to receive Regimental pay or allowance.
Gunner Edward Burgiss, late of the Royal Horse Artillery...	1*s.* 1½*d.*, from the date on which he ceases to receive Regimental pay or allowance.
Private Thomas Kearney, late of the 105th Foot ...	1*s.*, from the date on which he ceases to receive Regimental pay or allowance.

No. 1048 *of* 1866.—The under-mentioned Officers have reported their departure on the dates specified opposite to their names :—

Lieutenant W. J. Engledue, of the Royal Engineers, Government General Order No. 1032 of 1866.	"Patrician," 8th Dec. 1866.
Captain H. A. Browne, of the late 10th Regiment Native Infantry, Government General Order No. 1001 of 1866.	"Meinam," 4th Dec. 1866.

No. 1049 *of* 1866.—The prescribed superior rate of pension for service exceeding 40 years with an unblemished character, is granted to Bugle Major Thomas White, 2nd Regiment Native Infantry, with effect from the date of his transfer to the Invalid Establishment.

No. 1050 *of* 1866.—A charitable pension of Rs. 2 per mensem is granted, as a special case, to Chiramjee, mother of the late Balgobind Classee, attached to the Allahabad Arsenal, who died on the 9th July 1865 from injuries sustained by an explosion in the Magazine. The stipend to be disbursed by the Pension Pay Master, Dinapore.

No. 1051 *of* 1866.—The under-mentioned Officer has reported his return from England :—

	Date of arrival at Fort William.
Lieutenant W. E. Forbes, of the Bengal Staff Corps, Assistant Settlement Officer, Sultanpore, Oude.	13th Nov. 1866.

This cancels the return to duty of Lieutenant Forbes, notified in Government General Order No. 958 of the 20th November 1866.

No. 1052 *of* 1866.—Her Majesty has been pleased to appoint the under-mentioned gentleman to be an Assistant Surgeon in Her Majesty's Indian Military Forces at the Presidency of Bengal. He is accordingly admitted into the service :—

Medical Department.

	Date of arrival at Fort William.
Mr. William Pleace Warburton, M. B.	11th Dec. 1866.

No. 1053 *of* 1866.—The under-mentioned Officers and Warrant Officer are permitted to proceed to Europe on leave of absence on sick certificate :—

Captain Edward O'Brien Horsford, of the Bengal Staff Corps.	For twelve months.
Lieutenant Edward John Webber, of the General List, Infantry, 3rd Squadron Officer, 16th Bengal Cavalry.	For twenty months, under the New Regulations.
Lieutenant Frederick Mills Malet Harris, of the General List, Infantry.	For twenty months, under the New Regulations.
Sub-Conductor Stephen Foley, of the Public Works Department, 1st Grade Overseer, Punjab.	For twenty months.

No. 1054 *of* 1866.—Havildar Phulloo Doobey, of the 17th (The Loyal Poorbeeah) Regiment of Native Infantry, is promoted to the rank of Jemadar, with effect from the 9th November 1866, in room of Shaick Badul, deceased.

No. 1055 *of* 1866.—The under-mentioned out-pensioners having been permitted to reside and draw their stipends in the Bengal Presidency, payment of pensions is to be made and charged accordingly :—

	Rate of pension.
Sergeant William McKay, an out-pensioner of the Royal Hospital at Chelsea, from the 78th Foot.	1*s.* 9½*d.* per diem, paid up to the 30th June 1866.
Private John O'Neil, an out-pensioner of the Royal Hospital at Chelsea, from the 14th Hussars.	7*d.* per diem, paid up to the 30th June 1867.

No. 1056 *of* 1866.—The following promotions are made in the Bengal Staff Corps, from the dates specified, under the provisions of Government General Order No. 808 of the 26th September 1866, subject to Her Majesty's approval :—

To be Lieut. Colonels, having served 20 years.

Major John Elphinstone Fraser,	11th Dec. 1866.
Major George Faithfull ...	12th December 1866.
Major Robert Thomas Leigh...	
Major William Boyd Irwin ...	
Major (Bt. Lieut. Colonel) Wm. Domett Morgan ...	
Major John Wedderburn ...	

To be Majors, having served 20 *years.*

Captain William Carnell ...	11th Dec. 1866.
Captain Shadwell Saunders Boulderson ...	
Captain John Macdonald ...	
Captain Robert Yeld Chambers	
Captain John Arthur Henry Moore ...	
Captain Frederic Nicolas Miles	

To be Captains, having served 12 *years.*

Lieutenant Aylmer Vivian ...	9th Dec. 1866.
Lieutenant Francis Dempster Hawkins ...	10th December 1866.
Lieut. Owen Ivan Chalmers ...	

No. 1057 *of* 1866.—The under-mentioned Officers have reported their return from England :—

	Date of arrival at Fort William.
Lieutenant E. P. Ommanney, of the late 45th Regiment Native Infantry, Quarter Master, 44th (Sylhet) Regiment Native Infantry.	5th December 1866.
Lieutenant C. J. Griffiths, of the late 72nd Regiment Native Infantry, 1st Wing Subaltern, 3rd Sikh Infantry.	10th December 1866.
Lieutenant H. I. Wheler, of the late 38th Regiment Native Infantry.	
Lieut. Colonel J. C. Haughton, C. S. I., of the Bengal Staff Corps, Commissioner of Cooch Behar and Bhootan Dooars.	11th December 1866.
eut. Colonel C. P. Trower, of the Bengal Staff Corps, Deputy Judge Advocate General, Oude Division.	
eut. Colonel J. C. Brooke, of the Bengal Staff Corps.	
Captain D. C. S. L. Carnegie, of the late 4th European Light Cavalry.	
Surgeon J. B. Scriven, of the Medical Department, Principal and Professor of Surgery, Lahore Medical School.	
Surgeon T. Duka, M. D., of the Medical Department, Civil, Monghyr.	
Assistant Surgeon G. C. Chesnaye, of the Medical Department.	

No. 1058 *of* 1866.—The following promotion is made from the date specified, under the operation of Government General Order No. 632 of the 4th August 1864, paragraph 69, subject to Her Majesty's approval.

BREVET.

To be Captain.

Lieutenant Robert Elphinstone Boyle, late 46th Native Infantry.	10th December 1866.

No. 1059 *of* 1866.—*Erratum.*—In paragraph 6, line 3, of Government General Order No. 849 of the 9th October 1866, laying down rules for the guidance of the Inspecting Veterinary Surgeons in the Bengal Presidency, for "Government Stations" read "Government *Stallions.*" Order books to be corrected accordingly.

No. 1060 *of* 1866.—The under-mentioned Officers having completed the prescribed period of service, are promoted to the rank of Colonel by Brevet, under the provisions of the Royal Warrant, dated 31st January 1859, subject to Her Majesty's approval :—

Lieutenant Colonel Doveton Hodson, Madras Infantry .	27th May 1864.
Lieutenant Colonel George Gordon MacDonell, Madras Infantry ...	11th Sept. 1865.

No. 1061 *of* 1866.—Under the authority of the Right Hon'ble the Secretary of State for India, the name of Captain James Scott Ingram, of the Bengal Staff Corps, is struck off the list of the Bengal Army, with effect from the 12th instant, the date of the receipt of the despatch from the Right Hon'ble the Secretary of State for India.

H. K. BURNE, *Lieut. Colonel,*
Offg. Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Fort William, the 7th December 1866.

Revenue—Forests.

No. 37 F.

The Government of Madras having granted Major A. Hunter, Conservator of Forests, Mysore and Coorg, in a General Order dated 18th September 1866, twenty months' sick leave to England, that Officer delivered over charge of his Office to Lieutenant G. J. Van Someren, 1st Assistant Conservator of Forests, Mysore, on the 3rd November 1866.

The 8th December 1866.

Establishment.

No. 306.

The undermentioned passed Military Students of the Thomason Civil Engineering College are appointed to the Upper Subordinate Establishment of the Public Works Department as Overseers of the 1st Grade on probation, and posted as follows :—

To Bengal.

Gunner C. Weedon, Royal Horse Artillery.

To the North-Western Provinces.

Private W. Beevers, 104th Regiment.

To the Central Provinces.

Private T. Gray, 19th Hussars.

To British Burmah.

Corporal J. Edwardes, 21st Hussars.

The abovenamed men have been placed on the Unattached List, with effect from the 21st November 1866.

The 12th December 1866.

No. 307.

Major F. Tyrrell, Madras Staff Corps, late Executive Engineer, 2nd Grade, Seetapoor Division, Oudh, returned, on the 28th September 1866, from the sick leave granted to him in Notification No. 253 of 25th September, and the unexpired portion of his leave was accordingly cancelled.

No. 308.

Captain A. S. Griffiths, Assistant Engineer, 1st Grade, Rajpootana, has been allowed one month's leave of absence on private affairs, with effect from the 1st November 1866.

No. 309.

The undermentioned Overseers, 1st Grade, on probation, in British Burmah, are appointed permanently to the Public Works Department in that grade, with effect from the dates they may have completed their one year's term of probation :—

Private J. Parrott.
Corporal R. Miller.
" D. B. Imrie.

The 13th December 1866.

No. 310.

Captain G. Baillie, Executive Engineer, 3rd Grade, is transferred from the North-Western Provinces, to British Burmah.

No. 311.

Mr. D. Wren, Sub-Engineer, 2nd Grade, temporarily employed on Local works in the Central Provinces, is re-transferred to the Imperial establishment, for duty in the Central Provinces.

The 14th December 1866.

No. 312.

In continuation of Notification No. 279, dated 26th October 1866, Captain W. E. Chrystie, R. E., Executive Engineer, 3rd Grade, Mysore, is promoted to 2nd Grade, Executive Engineer, with effect from the 1st October, 1866.

No. 313.

Mr. W. August, Accountant, 4th Grade, on probation, British Burmah, is permanently appointed to the Accounts Branch of the Public Works Department in that grade, with effect from the 15th October 1866.

No. 314.

Captain N. D. Robinson, late of Her Majesty's 7th Foot, is re-appointed to the Public Works Department as an Assistant Engineer of the 1st Grade, and posted to Oudh.

C. H. DICKENS, *Lieut. Colonel*, R. A.,
Secy. to the Govt. of India.

Statement of Silver Balance in the Mint.

Balance of Bullion under assay or remaining to be assayed on the morning of the 3rd December 1866,	4,20,086
3rd December tendered	37,826
	4,57,912
Certificates issued	1,88,928
Balance	2,68,984
4th December tendered ...	11,86,869
	14,55,853
Certificates issued	1,53,491
Balance	13,02,362
5th December tendered ...	6,26,535
	19,28,897
Certificates issued	4,966
Balance	19,23,931
6th December tendered ...	1,27,769
	20,51,700
Certificates issued	45,522
Balance	20,06,178
7th December tendered ...	1,45,409
	21,51,587
Certificates issued	...
Balance	21,51,587
8th December tendered ...	16,160
	21,67,747
Certificates issued	37,181
Balance	21,30,566
Deduct difference in value between Tender and Certificates ...	5,308
Balance of Bullion under assay or remaining to be assayed ...	21,25,258
Note.—Value of Silver remaining for Coinage at end of week and appertaining to the Mint Balance ...	56,69,108
Ditto ditto not assayed ...	21,25,258
	77,94,366
Deduct value of Silver appertaining to the Currency Department ...	59,42,878
TOTAL ...	18,51,488

CALCUTTA MINT, *The 10th December* 1866. } J. A. BALLARD, *Offg. Mint Master.*

NOTICE.

A New Edition of the Map of DISTRICT NUDDEAH, showing Village boundaries, Scale 1 Mile equal to 1 Inch, in 8 Sections, with a small Index, is now ready for issue.

Applications for the Maps *bonâ fide* on the Public Service, to be addressed to the Registrar, Surveyor General's Office, Calcutta.

For private use, on payment, the Map can be obtained from all Booksellers and the "School Book Society," Calcutta, at the following rates:—

		Rs.	A.	P.
Uncolored and Unmounted.	On *thick paper*, the Map complete in 8 Sections with Index...	8	0	0
	Or each Section separate ...	2	0	0
	On *thin paper*, the Map complete in 8 Sections with Index..	6	0	0
	Or each Section separate ...	1	8	0

N. B.—Parties requiring the Map Colored and Mounted must pay extra for the same.

J. E. GASTRELL, *Lieut. Colonel,*
Offg. Depy. Surveyor Genl. of India.

ADVERTISEMENTS.

CACHAR AND ASSAM COMPANY, LIMITED.

The Sixth Ordinary General Meeting of the above Company was held at the Office of the Secretaries on the 24th November, when the Statement of Accounts and Directors' Report for the half-year ending 30th June last were passed as correct.

The Meeting was then made special, and the following resolution proposed and carried unanimously:—

"That this Company be wound up voluntarily and that Messrs. John Elliott and Co. be appointed liquidators for the purpose of winding up the affairs of the Company, under the provisions of the 145th and following Sections of Act X of 1866, and that as such liquidators they be paid for their remuneration 5 per cent. upon the assets realized."

With reference to the above, a Special General Meeting will be held at the Office of the Secretaries on Tuesday, the 11th December, for the purpose of confirming the above resolution.

JOHN ELLIOTT AND CO.,
Secretaries.

Price Five Rupees.

Finance and Revenue Accounts of the Government of India for the year 1864-65, and Estimate of Revenue, Expenditure, and Cash Balances for 1865-66, with a comparison of the two years.

Price Two Rupees.

Budget Estimate of Revenue, Expenditure, and Cash Balances of the Government of India for the year 1866-67.

CALCUTTA:
OFFICE OF SUPDT. OF GOVERNMENT PRINTING
4, HASTINGS STREET.
1866.

THE GREAT EASTERN HOTEL, WINE, AND GENERAL PURVEYING COMPANY, "LIMITED."

Notice is hereby given that an Extraordinary General Meeting of the Shareholders of this Company will be held at the registered Office of the Company, Nos. 1, 2, and 3, Old Court House Street, Calcutta, on Friday, the 11th day of January 1867, at three o'clock P. M., for the following purposes, *viz.*:—

To consider the question of the declaration of a dividend for the past half-year left undecided at the Half-yearly Ordinary General Meeting of Shareholders held on the 31st October last.

To repass the resolutions as to the appointment of a Committee of inspection carried at the said Meeting held on 31st October last.

And to transact all such other business as may be brought forward.

By order of the Directors,
DAVID CALDER,
Secretary.

CURRENCY NOTES LOST OR STOLEN.

Extract from Financial Department Notification No. 1004 *A, dated Simla,* 30*th July* 1866.

Para. 9.—"The person making the statement respecting a lost or destroyed note, or portion of note, will be required to advertise its loss (free of charge) *thrice* at least in the *Official Gazette* of the Presidency or place where or within which the note is payable, and *once* in the *Gazette of India.*"

LOST

Application has been made for payment of a Currency Note joined as follows:—

First half No. $\frac{A}{18}$12115 for Rs. 10
Second half No. $\frac{A}{18}$12116 „ 10

Any person possessing the corresponding halves should communicate with the Paper Currency Office, Allahabad.

First half of the following Currency Note, intimation of loss given to the Currency Office, Allahabad:—

No. $\frac{A}{18}$32846 for Rs. 10.

First half of the following Currency Note, intimation of loss given to the Currency Office, Allahabad:—

No. $\frac{A}{20}$10497 for Rs. 20.

Second half of Currency Note, No. $\frac{A}{18}$08991 for Rs. 50; intimation of loss given to the Currency Office, Allahabad.

The second half of the Currency Note No. $\frac{A}{23}$94884, for Rs. 50, intimation of loss given to the Currency Office, Calcutta.

First half of the following Currency Note, intimation of loss given to the Currency Office, Allahabad:—

No. $\frac{A}{26}$03598, for Rs. 20.

Right halves of the following Bank Notes of the Allahabad Circle, Nos. $\frac{A}{30}$16068, dated 5th May 1864, and $\frac{A}{13}$82127, dated 16th July 1861, for Rs. 100 each.

In transit by Post between Lahore and Calcutta, halves of the following Currency Notes:—

No. $\frac{A}{30}$31355, Lahore Circle, dated Calcutta, 5th May 1864, Rs. 100.

No. $\frac{A}{25}$87081, Calcutta Circle, dated 14th May 1862, Rs. 20.

Half of the following Currency Note, intimation of loss given to the Currency Office, Calcutta:—

No. $\frac{A}{24}$08768, for Rs. 50.

On or about the 12th October 1866, in transit by Post between Nowshera and Murree (Punjab), the following half Government Notes:—

Nos. $\frac{A}{12}$11286, $\frac{A}{12}$11287, $\frac{A}{12}$11289, value Rs. 50 each, of the Lahore Circle, and No. $\frac{C}{12}$01571, value Rs. 10, of the Bombay Circle.

At Simla the left half of Lahore Circle Note No. $\frac{A}{30}$32943, dated 5th May 1864, for Rs. 100.

Halves of the following Currency Notes, intimation of loss given to the Currency Office, Calcutta:—

Right half of No. $\frac{A}{8}$ 24017, for Rs. 10.

Left half of No. $\frac{A}{27}$ 28514, for Rs. 20.

Half of the following Currency Note No. $\frac{A}{21}$20099 of 1862, May 12th, for Rs. 10. Intimation of loss given to the Currency Office, Calcutta.

Right half of Note No. 87060 of the 5th May 1864, for Rs. 100.

Half of the following Currency Note, intimation of loss given to the Currency Office, Calcutta:—

No. $\frac{A}{7}$54047, for Rs. 10.

MUTILATED

The following Currency Note, intimation given to the Currency Office, Calcutta:—

No. $\frac{A}{30}$66315, for Rs. 100.

The following Currency Note, intimation given to the Currency Office, Calcutta:—

No. $\frac{A}{23}$ 90001, for Rs. 50.

The following Currency Note, intimation given to the Currency Office, Calcutta:—

No. $\frac{A}{7}$52566, for Rs. 10.

The following Currency Note, intimation given to the Currency Office, Calcutta:—

No. $\frac{A}{27}$55905, for Rs. 20.

STOLEN

The following entire Currency Note, intimation of loss given to the Currency Office, Allahabad:—

No $\frac{A}{12}$08127 for Rs. 50.

LOST OR STOLEN

In transit from Dalhousie to Umritsur, the following Currency Notes:—

Nos. $\frac{A}{30}$34057, $\frac{A}{30}$35586, $\frac{A}{30}$36105, $\frac{A}{30}$36212, $\frac{A}{30}$36265, for Rs. 100 each.

The second halves of Government Notes Nos. 87703 and 90063, for Rs. 100 each.

Halves of the following Currency Notes, intimation of loss given to the Currency Office, Calcutta:—

No. $\frac{A}{14}$04426, for Rs. 100.
„ $\frac{A}{30}$29793, „ 100.
„ $\frac{A}{23}$94735, „ 50.
„ $\frac{A}{23}$89653, „ 50.
„ $\frac{A}{27}$28269, „ 20.
„ $\frac{A}{19}$64552, „ 10.
„ $\frac{A}{19}$55421, „ 10.

Right half of Currency Note No. $\frac{A}{21}$19506, for Rs. 10.

Half of the following Currency Notes, intimation of loss given to the Currency Office:—

No. $\frac{A}{38}$09597, for Rs. 100.
No. $\frac{A}{38}$09598, for Rs. 100.

In transit from Midnapore to Calcutta, the first halves of the following Government Currency Notes:—

No. $\frac{A}{37}$99553, dated 19th May 1865, for Rs. 100.
No. $\frac{A}{37}$99554, dated 19th May 1865, for Rs. 100.
Intimation sent to the Currency Office.

LOST

The following Government Promissory Notes, Nos. 25499 of 1841-42, for Rs. 2,500, and 25276 of 1841-42, for Rs. 2,000.

DENOBUNDOO NUNDY.

Two Government four per cent. Promissory Notes No. 772 of 18295 of 1854-55, Rs. 1,000; No. 6737 of 3298 of 1835-36, Rs. 500; blank endorsed by Madub Chunder Bundopadhai, together with Rs. 66-4-9 in Notes and Cash. Payment stopped for the above Papers.

BOLLY CHAND DUTT.

Will be ready next week, price 2 Rupees.

CLASSIFIED LIST

OF

PUBLIC WORKS OFFICERS,

Corrected up to 1st November 1866.

CALCUTTA:
OFFICE OF SUPDT. GOVERNMENT PRINTING,
4, HASTINGS STREET.
1866.

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REPORT OF THE NIZAMUT ADAWLUT, N. W. PROVINCES, ON THE ADMINISTRATION OF CRIMINAL JUSTICE for the year 1865, with the orders of Government on the same, and the District Tabular Statements recorded on the Reports of the Sessions Judges. *Price Rs.* 2.

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RIFLED ARMS, AMMUNITION, RANGES AND APPLIANCES,

&c., &c.

By Authority.

The Commander-in-Chief having been pleased to approve of a Compilation, prepared by the Chief Inspector of Musketry, of all general and departmental orders relating to Musketry Instruction, Rifled Arms, Ammunition, Ranges and Appliances, &c., &c., &c., has directed the same to be published for the convenience and use of the Staff of British Regiments and of Departments concerned.

All orders on the subject of Musketry Instruction, found necessary to admit of the system laid down in the Musketry Regulations being adhered to in India, have been revised; and this Compilation is to be considered and quoted as an order in supersession of all those contained in Circular, No. $\frac{610}{E}$ of the 5th September 1862, and subsequently issued from the Office of the Chief Inspector of Musketry.

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REPORT

ON THE

CALCUTTA CYCLONE

OF THE 5TH OCTOBER 1864,

BY

LT. COL. J. E. GASTRELL AND F. H. BLANFORD, A. R. S.M.

WITH MAPS AND DIAGRAMS ILLUSTRATING THE ORIGIN AND PROGRESS OF THE STORM AND THE TRACK OF THE STORM WAVE.

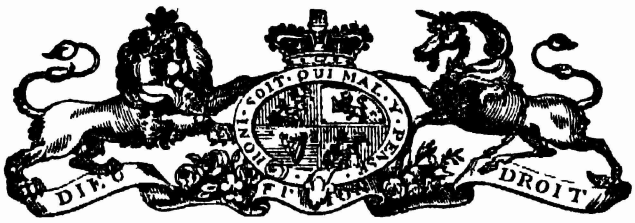
Printed and published for the Government of Bengal by order of the Lieutenant Governor.

Calcutta, 1866.

CALCUTTA:
OFFICE OF SUPDT. OF GOVERNMENT PRINTING,
4, HASTINGS STREET.
1866.

Printed and Published for the GOVT. OF INDIA, *at the Office of* SUPDT. OF GOVT. PRINTING, 4, *Hastings Street, Calcutta.*

No. 44.



SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, DECEMBER 15, 1866.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees four annas if sent by Post*

No Official Orders or Notifications, the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

Government of India.

HOME DEPARTMENT.

TELEGRAPH LINE FROM TEHRAN TO JULFA, ON THE RUSSIAN FRONTIER.

From MAJOR JOHN MACDONALD, Acting Secy. to Govt. of Bombay, to Secy to the Govt. of India, Home Dept.,—(No. 327, dated 26th November 1866).

I am directed to transmit the accompanying copies of a letter from the Director, Persian Telegraph, No. 419, dated 9th October, submitting reports by Lieutenant Pierson, R. E., of the result of his late inspection of the Persian line of Telegraph from Tehran to Julfa, on the Russian Frontier, and of his subsequent visit to Teflis, together with copy of the Government Resolution thereon.

As it is of much general interest, His Excellency in Council desires me to suggest that the Report or Extracts of it may be published in the *Gazette of India*.

From MAJOR R. M. SMITH, R. E., Director, Persian Telegraph, to Secy to the Govt. of India, Home Dept.,—(No. 327, dated 26th November 1866).

Referring to my letter No. 367 of the 6th August last, I have now the honor to forward, for the information of Government, the enclosed copies of Lieutenant Pierson, R. E.'s letters, reporting the result of his late inspection of the Persian line of Telegraph from Tehran to Julfa, on the Russian Frontier, and of his subsequent visit to Teflis. I do not enclose his annexure to No. 69, it being a memorandum of innumerable minutiæ, of the greatest value here, but necessarily of little interest to Government.

2. Lieutenant Pierson deserves, in my opinion, great credit for the careful manner in which he has performed the duty on which he was sent. His detailed report of the present state of the Persian line, with the practical suggestions he has added for its amelioration, cannot fail if taken advantage of, to be of the greatest service to the Russian and Persian Administrations in the erection of the second wire and in the subsequent working of the double line. And his friendly intercourse with the Russian Authorities at Teflis will, I have no doubt, have a good effect in any arrangements which it may become desirable to make with the Telegraph Department in the Caucasus.

3. With the view of rendering Lieutenant Pierson's report as immediately useful as possible, I have sent copies of it to His Excellency Mr. Alison, to His Royal Highness the Itizad-il-Sultaneh, Persian Minister for Science and Public Works, and to M. Zinorview, the Russian Charge d'Affaires at Tehran.

4. The Russian Telegraph employés about to be engaged in putting up and working the second wire from Tehran to Julfa have already, I believe, arrived in Persia, and the wire and insulators supplied by the Russian Government are daily expected to reach the frontier.

From Lieut. W. H. PIERSON, R. E., Supdt., 1st Division, Persian Telegraph, to Director, Persian Telegraph,—(No. 68, dated 7th October 1866).

I have the honor to inform you that in accordance with the instructions communicated to me in the 1st para. of your letter No. 366 of 6th August 1866, I left Tehran on 8th August last and reached Julfa, at the Russian Frontier, on the 21st of the same month, having carefully examined the line of Telegraph actually existing between those two places. I have now the honor to submit the following report of the general result of my inspection, and I also annex a copy of the notes taken by me on the road, as the full details given in them may be found useful to the officers engaged in putting up the second wire.

2. The great defect of the line is its distance from the post road, and its consequent inaccessibility for the purposes of rapid inspection and repair. For the sake of economising material, it has been taken straight across country in the required directions, no attention, speaking as a general rule, having been paid to the course of the road, or to the great physical obstacles often presented by the conformation of the ground. The saving of posts and wire thus effected is exceedingly small, while the consequence of this false economy will, I fear, be found very detrimental to the permanent efficiency of the Telegraph. There are many places where a horseman can with difficulty keep within sight of the line even in summer, and where in winter it must undoubtedly be quite inaccessible.

3. For the reasons just given, a great portion of the existing line should be entirely condemned, even where otherwise, as far as regards the state of the poles, insulators, wire, &c., there may be but little to find fault with. Indeed so convinced am I of the primary importance of having a line of Telegraph plainly visible from the road, that I would recommend the Persian Government to take advantage of the present occasion (when a second wire is to be put up, already necessitating the renewal of a considerable number of poles and when the services of an experienced Russian Telegraph Engineer are available), and discarding half measures to resolve at once entirely to reconstruct this line on a better principle.

4. As, however, it is improbable that the Persian Government would be willing to incur any expenditure that cannot be said to be unavoidable, I have in the following paragraphs confined myself strictly to recommending the carrying out of such measures only as are absolutely essential to secure the efficiency of the Telegraph.

1st.—Section from Tehran to Kasvin,—5 post stages about 24 farsakhs.*

5. The line over the whole of this section is laid out with most uncompromising straightness, and it is only near Myanjub that it is at all near the road. Towards Kasvin, it is from 1 to 2 farsakhs to the north of it. The posts are generally fair, but in many places are too far apart, so that the wire in the intervals is not sufficiently removed from the ground. The line itself is not in good order, many posts are out of the perpendicular, some that have broken have not been replaced, others are attacked by white-ants, the wire is often too slack, and the joints carelessly made, several insulators are broken. As this portion of the line runs all in the plains, it will not be absolutely necessary to move it closer to the road, but then a track must be opened along it to enable a horseman to cross the vineyards, cultivated fields under irrigation, walls, ditches and other obstacles over which the Telegraph passes. Three hundred new posts at the lowest estimate will be required and about 50 insulators. All the posts should be banked up, and stays put on the angle posts. Bad joints in the wire should be cut out and replaced by good ones.

2nd.—Section from Kasvin to Zenjan—5 post stages 26 farsakhs.

6. The first 6 farsakhs of the line out of Kasvin might be left in their present alignment, if a practical footpath be opened along it through the vineyards near the town and the cotton fields further on. The next 4 farsakhs should be moved close into the road, for the reasons I have given at length in my detailed memorandum. The rest of the line may be allowed to remain as it is, with the exception of about 5 farsakhs opposite to Sulimanieh, which should undoubtedly be brought up to the side of the road. At present it there runs on the opposite side of the plain, and in winter it must be nearly impossible to get on to the line direct from Sulimanieh. The new posts required for this section are at the very lowest estimate :—

For the 1st stage	...	250	and	50	Insulators.
2nd „	...	200	„	100	„
3rd „	...	10	„	100	„
4th } 5th } „	...	350	„	100	„
Total	...	760 poles	and	250	Insulators.

3rd.—Section from Zenjan to Myaneh—5 post stages 19 farsakhs.

7. The latter portion of this section, viz., the 3 farsakhs from Jumerabad to Myaneh, must be entirely reconstructed, as the present line is exceedingly bad, and the country is there such as to call for extra strength in a Telegraph traversing it. The rest of the line can be allowed to remain where it is, as it may be pronounced generally satisfactory, but it requires certain alterations and improvements, which I have pointed out in my detailed memorandum. The lowest number of posts required will be—

1st Stage	...	10 poles			
2nd „	...	30 „		10	Insulators.
3rd „	...	100 „		10	„
4th „	...	30 „		10	„
5th „	...	250 „		100	„
Total	...	420 posts	and	130	Insulators.

It should be understood that wherever the line is not visible from the road, my recommendation to have a footpath opened out along its course applies. It seems unnecessary for me to repeat that everywhere all the poles should be banked up, all angle posts stayed, and the alignment corrected.

4th.—Section from Myaneh to Tabreez—5 post stages 23 farsakhs.

8. In the first stage about 2 farsakhs of the line must be brought down to the road, the remainder

* The "farsakh" is about 2½ miles.

of the line in the section has been laid out sufficiently close to the road, and does not require altering. But, as will be seen from the details given in my annexed memorandum, the posts are very bad, and the line in an unsatisfactory state. The smallest number of posts required for this section I put down as follows:—

For 1st Stage	...	400 poles and	100 Insulators.
2nd „	...	100 „	
3rd „	...	200 „	100 „
4th „	...	50 „	
5th „	...	50 „	
Total	...	800 poles and	200 Insulators.

5th.—Section from Tabreez to Julfa—4 post stages 22 farsakhs.

9. The whole of the line through the suburbs and city of Tabreez requires reconstruction, as it has not been at all carefully put up in the first instance Near Irandebee about 2 farsakhs, and also the 2 farsakhs of the line going into Julfa must be brought in nearer to the road. The following is the list of the number of poles that should be collected immediately. (As I have stated in my detailed notes, this supply will only meet the more pressing requirements, and at least an equal number will be necessary the following year):—

1st Stage	...	150 posts	Total 700 posts and about 100 Insulators.
2nd „	...	250 „	
3rd „	...	200 „	
4th „	...	100 „	

10. Having thus concluded a general summary of the present state of the line of Telegraph from Tehran to Julfa, I would here repeat that I have, in the foregoing paragraphs, only pointed out the absolute minimum of repairs and reconstruction necessary to insure its present efficiency. I should be misunderstood if it were inferred that the carrying out of these measures would have nothing to be desired further. And there is one point to which I would wish to draw particular attention, that is the necessity of constant and frequent inspections by competent officers, empowered to execute whatever repairs and reconstructions on a small scale they may find necessary. Well seasoned poles should be always kept in stock at convenient distances, as well as small supplies of wire, insulators, &c. By such unremitting attention the premature decay of the line that is now seen will be arrested, and much threatened destruction from natural causes averted. The present system in this country is quite the reverse, once a line has been put up it is left to itself, until nothing but a complete renewal is of any use, and the false economy adopted is seen to have been reckless extravagance.

11. I now come to notice the Telegraph Offices on the line. There are two terminal stations, *Tehran* and *Tabreez*, and four intermediate ones, Kasvin, Zenjan, Myaneh, and Julfa.

12. Of the Tabreez Office, I can only say that it is altogether inadequate for the work that is expected of it. Indo-European messages arriving *viâ* Russia are received at Tabreez from Nakhitcheran, entered into the books and re-transmitted to Tehran. To perform these duties efficiently there should be a Staff of not less than 7 clerks, *viz.*, 3 reliefs of 2 each for signalling, and 1 clerk to keep the accounts. But at present there is only one European there, and even if all the 3 clerks that I understand are being sent to Persia by the Russian Government are kept at Tabreez, the Office will still be very much undermanned, and quite unequal to meet any regular international traffic. At present the traffic is altogether stopped for at least 16 hours out of the 24, as messages for India have to be detained at Nakhitcheran until the one clerk has returned to the Office at Tabreez.

13. The Offices at Kasvin, Zenjan, Myaneh, and Julfa, are only supplied with one Morse instrument each, and from the way in which that instrument is connected and disconnected with the line at the discretion of a Persian signaller, they can at present only be regarded as impediments to the steady and rapid transmission of messages between Tabreez and Tehran. But it is unnecessary for me to enter into the numerous defects of the arrangements now in force. I will confine myself to briefly pointing out the system which, in my opinion, should undoubtedly at once be adopted.

14. I would premise that we find no difficulty in working constantly and practically from Tehran to Bushire, a distance of 720 miles, with the help of two intermediate translating stations at Shiraz and Ispahan. As the distance from Tehran to Teflis is only 30 miles further, there would not only be no objection to, but every advantage to be gained by, doing the same here. The saving of time would be considerable by avoiding the present delay in receiving and repeating messages both at Tabreez and Nakhitcheran, and a much smaller staff of signallers would be required. The elements of error in the transmission of messages would be also considerably reduced.

15. Hence I strongly recommend that as far as the working of the Indo-European traffic through Persian territory is concerned, *Tabreez* and *Zenjan* be formed into translating stations, with 3 competent European clerks at each, to attend night and day to the instruments working only in translation. That the intermediate stations of Julfa, Myaneh, and Kasvin be considered merely as testing offices for ascertaining the locality of interruptions, and should generally cut themselves out of the line by joining up the wire direct, except when specially otherwise instructed. All messages would then be received directly from Russia at the Central Office at Tehran, and retransmitted at once to the Cable Office at Bushire. I would venture further to suggest that if some arrangement could be come to, to place the control of all the offices at Tehran in the hands of the English Traffic Manager already there, a still further saving of time and an increase of accuracy in the transmission of Indo-European messages would be the result, and the present rather intricate adjustment of Telegraphic accounts between the English, Russian, and Persian Governments, would be very much facilitated.

From Lieut. W. H. PIERSON, R. E., Supdt., 1st Division Persian Telegraph, to the Director, Persian Telegraph,—(No. 69, dated 7th October 1866.)

In continuation of my No. 68 of this day's date, I have the honor to inform you that having arrived at Julfa on the Russian frontier on the 21st of August last, I proceeded thence to Teflis, agreeably to the instructions conveyed to me in

the 2nd paragraph of your letter No. 366 of the 6th August 1866, and reached the latter place on the 27th of the same month.

2. Mr. Zenorview, the Charge d'Affaires of the Russian Government at Tehran, had very kindly supplied me with letters of introduction to the Russian Authorities at Teflis. I was thus enabled to make the acquaintance of Major Villebois, the Director of the Telegraph in the Caucasus. From him I met with great civility, and he showed every desire to supply me with all the information I could wish for on the working and condition of the Telegraphs under him.

3. From what I thus collected, and could besides gather from my personal observations, I am enabled to inform you that the Telegraph in the Caucasus holds out every promise of real efficiency. The line itself is a double one, exceedingly well constructed, the posts are very large and strong, and renewed every three years, the insulators are very good. Especial care has been taken to keep the line everywhere close to the post road, so that inspection is thus rendered easy and very rapid. The present wire of 3 millimetres having been pronounced to be too small, is to be replaced at once by one of 5 millimetres. The offices are in handsome and convenient buildings, and are very well fitted up.

4. With all these elements of success, it is incontestable that the actual working of the line has not hitherto been satisfactory, especially for the purposes of Indo-European traffic. Interruptions have been frequent, and messages have been much mutilated in transmission through Russia.

5. From Major Villebois' statement to me, it would appear first, that the Russian lines are being very much improved, and that the interruptions, which chiefly occurred in Central Russia, are now fewer in number. With regard to the mutilation of messages, that the Russian signallers are being encouraged to make themselves masters of the English language by the promise of an increase of pay to all such as pass an examination in it. In short that the Russian Telegraph Authorities are quite aware of the shortcomings of their lines, and are doing their best to eradicate them.

6. If I may be permitted to express my own opinion, I would say that they do not seem to me to be sufficiently impressed with the necessity of having a considerable number of Englishmen as signallers, if only for the first few years. It will take a long time for Russian clerks to become well acquainted with the language, and it appears to me to be a mistaken policy to look to the traffic to form the signallers, instead of encouraging traffic by great accuracy in its transmission. At Teflis itself, a repeating station, there is only one clerk who knows English, and that imperfectly. In other respects I think the prospect of the Russian lines becoming a safe and rapid route for Anglo-Indian messages is most encouraging.

7. Major Villebois complained in very strong terms of the inefficiency of the Persian line from Julfa to Tehran, especially with reference to the delays occasioned by the Tabreez Office. I have entered fully into this subject in my letter No. 68 of this day's date.

8. Major Villebois requested me to express to you his great willingness to enter into cordial co-operation in any measures that would tend to further the efficiency of the international telegraphic service.

Resolution.—His Excellency in Council considers the Report to be very creditable to Lieutenant Pierson. Copies will be sent to the Government of India and the Secretary of State, and, as it is of much general interest, it will be suggested to the Government of India that the Report or Extracts of it may be published in the *Gazette of India.*

Major Smith to be informed accordingly.

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No. 51.

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, DECEMBER 22, 1866.

HOME DEPARTMENT.

LEGISLATIVE.

Camp Agra, the 29th November 1866.

The following Bill and Statement of Objects and Reasons accompanying it are published for general information, by order of His Excellency the Governor General, under the 19th of the Rules for the Conduct of Business at Meetings of the Council of the Governor General of India for the purpose of making Laws and Regulations :—

A Bill to define the jurisdiction of the Courts of Civil Judicature in the Jhansí Division.

Preamble.

Whereas it is expedient to define the jurisdiction of the Courts of Civil Judicature in the Jhansí Division; it is hereby enacted as follows:—

Short title.

1. This Act shall be called "The Jhansí Courts' Act, 1867."

Certain rules for administration of Civil Justice in Jhansí Division to cease to have effect.

2. So much of the rules passed by the Government of the North-Western Provinces for the administration of Civil justice within the districts of the Jhansí Division as were continued in force by Act No. XXIV of 1864 (*relating to the administration of certain districts under the Government of the Lieutenant Governor of the North-Western Provinces*), Section 2, shall cease to have effect in the said districts from the 30th June 1867.

Certain rules regarding jurisdiction and procedure of Revenue Officers in Jhansí to cease to have effect.

3. So much of the rules passed by the Government of the North-Western Provinces, relating to the jurisdiction and procedure of Revenue Officers within the districts of the Jhansí Division, and confirmed by the said Act No XXIV of 1864, Section 1, as directed that suits regarding landed property should be heard by the Revenue Courts, shall cease to have effect in the said districts from the date of this Act coming into operation.

Interpretation clause.

4. In this Act :—

"High Court."

"High Court" means the High Court of Judicature for the North-Western Provinces of the Presidency of Bengal, and "Assistant Commissioner" includes Extra Assistant Commissioner.

"Assistant Commissioner."

"District."

5. For the purposes of this Act, the local jurisdiction of a Deputy Commissioner shall be deemed a District, and the Court of such Deputy Commissioner shall be deemed the District Court. The local jurisdiction of a Commissioner shall, in like manner, be deemed a Division, and his Court a Divisional Court.

"District Court."

"Division."

"Divisional Court."

Grades of Courts in the Jhansí Division.

6. There shall be seven grades of Courts in the Jhansí Division, which shall be in addition to any Courts of Small Causes, and to any other Courts established under any Act which may hereafter be passed, viz. :—

(1.) The Court of the Tahsíldár of the second class.

(2.) The Court of the Tahsíldár of the first class.

(3.) The Court of the Assistant Commissioner of the second class.

(4.) The Court of the Assistant Commissioner of the first class.

(5.) The Court of the Deputy Commissioner.

(6.) The Court of the Commissioner.

(7.) The High Court.

Lieutenant Governor may declare grade to which a Tahsíldár or Assistant Commissioner belongs.

7. The Lieutenant Governor of the North-Western Provinces shall have power to declare to which of the said grades any Tahsíldár and any Assistant Commissioner in the said Division shall belong.

Jurisdiction of Court of Tahsíldár of the second class.

8. The Court of the Tahsíldár of the second class shall have power to try and determine suits of every description in which the subject-matter does not exceed one hundred Rupees in value or amount.

Jurisdiction of Court of Tahsíldár of the first class.

9. The Court of the Tahsíldár of the first class shall have power to try and determine suits of every description in which the subject-matter does not exceed three hundred Rupees in value or amount.

Jurisdiction of Court of Assistant Commissioner of the second class.

10. The Court of the Assistant Commissioner of the second class shall have power to try and determine suits of every description in which the subject-matter does not exceed one thousand Rupees in value or amount.

Jurisdiction of Court of Assistant Commissioner of the first class.

11. The Court of the Assistant Commissioner of the first class shall have power to try and determine suits of every description in which the subject-matter does not exceed five thousand Rupees in value or amount.

Jurisdiction of Court of Deputy Commissioner.

12. The Court of the Deputy Commissioner shall have power to try and determine suits of every description and of any amount, and to hear appeals from the original decisions in suits and (where an appeal is allowed by the Code of Civil Procedure) from the orders of the Courts of the first, second and third grades.

Jurisdiction of Court of Commissioner.

13. The Court of the Commissioner shall have power to hear and determine appeals from the original decisions in suits and (where an appeal is allowed by the Code of Civil Procedure) from the orders of the Courts of the fourth and fifth grades.

Jurisdiction of High Court.

14. The High Court shall have power to hear and determine appeals from the original decisions in suits and (where an appeal is allowed by the Code of Civil Procedure) from the orders of the Commissioner, and also applications for a special appeal as provided in the said Code, from the decisions passed in regular appeal by the Deputy Commissioners and by the Commissioner of the Division.

Time for presenting appeals.

15. The memorandum of appeal prepared in the form, and containing the particulars mentioned in the Code of Civil Procedure, shall be presented in the Court empowered to hear the appeal within the period hereinafter specified, unless the appellant shall show sufficient cause to the satisfaction of such Court for not having presented the memorandum of appeal within the said period; that is to say, thirty days, if the appeal lie to the Deputy Commissioner; six weeks, if the appeal lie to the Commissioner of the Division, and ninety days, if the appeal lie to the High Court. The period shall be reckoned from and exclusive of the day on which the decision or order appealed against was passed, and also exclusive of such time as may be requisite for obtaining a copy of the decree or order from which the appeal is made. Memoranda of special appeal shall be presented in the High Court within the period hereinbefore fixed for appeals.

Lieutenant Governor may invest any one with powers of Commissioner or of Deputy Commissioner.

16. Whenever the state of the public business requires it, the said Lieutenant Governor shall have power to invest any person with the powers of a Commissioner or of a Deputy Commissioner in any part of the Jhansi Division.

Court in which suit shall be instituted.

17. Every suit shall be instituted in the Court of the lowest grade competent to try it: provided that no suit cognizable by a Court of Small Causes shall be heard or determined in any other Court having any jurisdiction within the local limits of the jurisdiction of such Court of Small Causes.

Appeal to lie from all decisions, except when expressly prohibited.

18. Except when otherwise provided in any Regulation or Act for the time being in force, an appeal shall lie from the decisions of the Courts of original jurisdiction to the Courts authorized by this Act to hear appeals from the decisions of those Courts.

Deputy Commissioner may distribute business among subordinate Courts.

19. The Deputy Commissioner may direct the business in the Courts subordinate to him, holding their sittings at the same place, to be distributed among such Courts in such way as he shall think fit. Provided that no Court shall try any suit in which the amount or value of the claim shall exceed its proper jurisdiction.

Transfer of suits from subordinate Court to Commissioner's or Deputy Commissioner's Court.

20. The Commissioner of the Division or the Deputy Commissioner may withdraw any suit instituted in any Court subordinate to him, and try such suit himself or refer it for trial to any other such subordinate Court and competent in respect of the value or amount of the suit to try the same. The Commissioner of the Division may also withdraw any appeal instituted in the Court of any Deputy Commissioner subordinate to him and try the appeal himself or refer it for trial to the Court of any other Deputy Commissioner in his Division.

High Court may transfer suits from one subordinate Court to another.

21. The High Court may order that the cognizance of any suit or appeal which shall be instituted in any Court subordinate to such High Court, not being a Court of Small Causes, shall be transferred to any other such subordinate Court, competent in respect of the value or amount of the subject-matter of the suit or appeal to try the same.

Suits for immoveable property situate in different Districts.

22. If the suit be for any immoveable property situate within the limits of different District Courts within the same Division, the suit may be brought in any Court otherwise competent to try it within the jurisdiction of which any portion of such property is situate; but in such case the Court in which the suit is brought shall apply to the Commissioner of the Division for authority to proceed with the suit; and the Commissioner, after hearing the objections, if any, of the defendant, may give such authority. If the suit is brought in any Court subordinate to the Court of the Deputy Commissioner, the application shall be submitted to the Commissioner of the Division through the Deputy Commissioner to whom such Court is subordinate.

23. If the District Courts within the limits of whose jurisdiction any immoveable property sued for is situate are subordinate to different Commissioners, application for authority to proceed with the suit shall be made to the Commissioner of the Division to whom the District Court in which the suit is brought is subordinate, and such Commissioner may, after hearing the objections, if any, of the defendant, give authority to proceed with the suit.

Suits for immoveable property situate in districts subject to different Commissioners.

Commencement of Act.

24. This Act shall come into operation on the first day of March 1867.

STATEMENT OF OBJECTS AND REASONS.

This Bill has been prepared at the desire of the Government, and with the approval of the High Court, of the North-Western Provinces; and its object is to extend the jurisdiction of that High Court to the Civil Courts of the Jhansí Division. Suits relating to land in this Division are now heard by the Revenue Courts, and the ultimate appeal from the decisions in such suits lies to the local Board of Revenue. In suits relating to other kinds of property which are heard by the Civil Courts, the order of the Commissioner of the Division is final, it being, however, provided that in any case in which the decisions of the Courts of first instance and of appeal differ, the local Government may refer the proceedings to the High Court for their report and opinion, and thereafter pass such orders as may appear proper. The system here described is legalized and fixed by Section 2 of Act No. XXIV of 1864.

The time has now, in the Lieutenant Governor's opinion, arrived for transferring to the Civil Courts the jurisdiction in suits relating to land, and for subordinating these Courts to the High Court at Agra. As the revision of the settlement of Jhansí is nearly completed and the local rights in land have been defined and recorded, it appears to the Lieutenant Governor that there is no reason for maintaining a system in Jhansí different from that in force throughout the rest of the North-Western Provinces. It is also desirable that the Board of Revenue should be relieved from the anomalous position in which they are now placed, by having to discharge a duty which is foreign to their office, and for the due performance of which they have not the aid of an efficient Bar. Under these circumstances the present Bill has been framed on the model of Act No. XIV of 1865 (The Central Provinces Courts' Act) and defines the jurisdiction of the Courts of Civil Judicature in the Jhansí Division.

H. S. MAINE.

SIMLA,
The 7th November 1866.

WHITLEY STOKES,
Asst. Secy to the Govt. of India,
Home Dept. (Legislative.)

The 3rd December 1866.

The following Bill and Statement of Objects and Reasons accompanying it are published for general information, by order of His Excellency the Governor General, under the 19th of the Rules for the Conduct of Business at Meetings of the Council of the Governor General of India for the purpose of making Laws and Regulations :—

A Bill to amend the Law relating to the custody of prisoners within the local limits of the original jurisdiction of Her Majesty's High Courts of Judicature at Fort William in Bengal, Madras and Bombay.

Preamble.

Whereas it is expedient that, within the local limits of the original jurisdiction of Her Majesty's High Courts of Judicature at Fort William in Bengal, Madras and Bombay, persons should, for the purpose of being received and detained in prison, be committed to the custody of an Officer appointed by the Local Government, instead of to the custody of the Sheriff of Calcutta, Madras or Bombay, as the case may be; It is enacted as follows :—

Interpretation of terms.

1. In this Act :—

"High Court." "High Court" denotes Her Majesty's High Court of Judicature at Fort William in Bengal, Madras or Bombay, as the case may be.

"Sheriff" "Sheriff" denotes the Sheriff of Calcutta, Madras or Bombay, as the case may be.

"Magistrate." "Magistrate" includes a Magistrate of Police appointed under Act No. XIII of 1856 *(for regulating the Police of the Towns of Calcutta, Madras and Bombay, and the several Stations of the Settlement of Prince of Wales' Island, Singapore and Malacca).*

Enactments repealed.

2. The eighth Section of Act No. XXIV of 1855 *(to substitute Penal Servitude for the punishment of Transportation in respect of European and American Convicts, and to amend the law relating to the removal of such Convicts)*, the forty-seventh, forty-eighth, forty-ninth, fiftieth, fifty-first and fifty-second Sections of Act No. XVIII of 1862 *(to repeal Act No. XVI of* 1852 *in those parts of British India in which the Indian Penal Code is in force, and to re-enact some of the provisions thereof, with amendments, and further to improve the administration of Criminal Justice in her Majesty's Supreme Courts of Judicature)*, Act No. XXV of 1863 *(to empower Judges of the High Court and other authorities at Fort William in Bengal, to direct convicts to be imprisoned either in the House of Correction or the Great Jail of Calcutta, and to authorize the transfer of prisoners in certain cases from the House of Correction to the Great Jail and from the Great Jail to the House of Correction)*, and Act No. XII of 1865 *(to amend the law relating to the custody of prisoners within the local limits of the original jurisdiction of Her Majesty's High Court of Judi-*

cature at Fort William in Bengal) are hereby repealed.

No one to be committed to Sheriff; And writs not to be issued to Sheriff.

3. No person shall be committed to the Sheriff to be received and detained in prison; and no writ shall be awarded to the Sheriff commanding him to arrest and seize the body of any offender.

Local Government may appoint Superintendent of Presidency Jail.

4. It shall be lawful for the Local Government to appoint an Officer who shall be called in Calcutta the Superintendent of the Presidency Jail, and in Madras and Bombay the Superintendent of Jails for the Town of Madras, or Bombay, as the case may be, and who shall have authority to receive and keep prisoners committed to his custody under the provisions of this Act.

Persons sentenced by High Court to imprisonment or death to be delivered to the Superintendent.

5. Whenever any person shall be sentenced by the High Court in the exercise of its original Criminal jurisdiction to imprisonment or to death, the Court shall cause such person to be delivered to the said Superintendent, together with the warrant of the said Court, and such warrant shall be executed by such Superintendent and returned by him to the High Court when executed.

Persons sentenced by High Court to transportation or penal servitude to be delivered for intermediate custody to Superintendent.

6. Whenever any person shall be sentenced by the High Court in the exercise of its original Criminal jurisdiction to transportation or penal servitude, the Court shall cause such person to be delivered for intermediate custody to the said Superintendent, and the imprisonment of such person shall have effect from such delivery.

Persons sentenced by Magistrate to imprisonment, or imprisoned for non payment of fine to be delivered to Superintendent with a warrant.

7. Whenever any person shall be sentenced by a Magistrate of Police for the Town of Calcutta, Madras or Bombay, to imprisonment, either absolutely or for default of payment of any fine imposed by any such Magistrate, or shall be committed to prison for failure to find security to keep the peace and to be of good behaviour, the Magistrate shall cause such person to be delivered to the said Superintendent together with a warrant of the Court.

Superintendent to detain such persons according to exigency of warrant, and to return same when executed.

8. The said Superintendent shall detain the person so delivered to him according to the exigency of such warrant, and shall return the warrant when executed to the Court whence it issued.

Persons committed by Justice or Magistrate for trial by High Court to be delivered to Superintendent with warrant.

9. Persons committed by a Justice of the Peace or Magistrate for trial by the High Court in the exercise of its original Criminal jurisdiction, shall be delivered to the said Superintendent together with a warrant of commitment, directing him to have the bodies of such persons before the Court for trial at the Sessions of the Court next ensuing after the date of such commitment.

Persons arrested in pursuance of warrant of High Court or Small Cause Court to be delivered to Superintendent.

10. Every person arrested in pursuance of a warrant or order of the High Court in the exercise of its original Civil jurisdiction, or in pursuance of a warrant of any Court established in Calcutta, Madras or Bombay under Act No. IX of 1850 *(for the more easy recovery of small debts and demands in Calcutta, Madras and Bombay)*, shall be brought before the Court by which the warrant or order was issued or made, and shall then, subject to the procedure which may from time to time be in force in such Court, be delivered by the proper Officer of the Court executing such warrant, together with a copy of such warrant, to the said Superintendent; and the Officer executing such warrant shall thenceforward be absolved from responsibility for the custody of the person so delivered.

Superintendent to detain such persons according to exigency of warrant.

11. The said Superintendent shall detain the person delivered to him by the Officer of the Court in manner aforesaid, according to the exigency of the warrant, and return the same to the said Officer of the Court as soon as the terms of the said warrant shall have been complied with.

Persons confined in Great Jail of Calcutta or Jails of Madras or Bombay shall be deemed to be in custody of Superintendent.

12. All persons confined in the Great Jail of Calcutta, or in any of the Jails of the Towns of Madras or Bombay under process or sentence of any of Her Majesty's late Supreme Courts of Judicature, or of the High Courts, or of any Magistrate, shall be considered to be and shall remain in the custody of the said Superintendent according to the terms of the warrants under which they shall have been respectively committed to custody.

Warrant under Regulation III of 1818, Bengal Code, Regulation II of 1819, Madras Code, and Regulation XXV of 1827, Bombay Code, may be directed to Superintendent.

13. Any warrant of commitment under Regulation III of 1818 of the Bengal Code *(for the confinement of State Prisoners)*, Regulation II of 1819 of the Madras Code *(for the confinement of State Prisoners)*, and Regulation XXV of 1827 of the Bombay Code *(for the confinement of State Prisoners and for the attachment of the lands of chieftains and others, for reasons of State)*, may be directed to the said Superintendent in the same manner as the same might have been directed to the Sheriff under Act No. XXXIV of 1850 *(for the better custody of State Prisoners)* and Act No. III of 1858 *(to amend the law relating to the arrest and detention of State Prisoners)*.

Provisions of Statute 11 Vic., cap. 21, as to prisoners, to extend to persons in custody of Superintendent.

14. The provisions contained in the Statute 11 Vic., cap 21 *(to consolidate and amend the laws relating to Insolvent Debtors in India)*, relating to persons in prison or liable to be arrested or detained in or remanded or re-committed to, or entitled to be discharged from, prison

within the limits of the Towns of Calcutta, Madras and Bombay respectively, shall apply to all persons in the custody of the said Superintendent, or liable to be delivered to or entitled to be discharged from his custody.

Construction of Section 25 of Act No. XLVIII of 1860.

15. Section 25 of Act No. XLVIII of 1860 *(to amend Act No. XIII of 1856, for regulating the Police of the Towns of Calcutta, Madras and Bombay, and the several Stations of the Settlement of Prince of Wales' Island, Singapore and Malacca)*, shall be construed in Calcutta as if the words "Superintendent of the Presidency Jail" and in Madras and Bombay as if the words "Superintendent of Jails for the Town of Madras" or "Bombay," as the case may be, were substituted for the words "Keeper or Governor of the Jail or House of Correction."

Commencement of Act. Short title.

16. This Act shall come into operation in Calcutta at once, and in Madras and Bombay respectively from such date as the Local Government shall notify in the local *Gazette*, and it may be called "The Presidency Jails' Act, 1867."

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to amend the law relating to the custody of prisoners within the local limits of the original jurisdiction of the three Presidency Town High Courts. It is a transcript of Act No. XII of 1865, with the alterations and additions necessary to render the measure applicable not only to Calcutta, but to Madras and Bombay; and the reasons for passing that Act may be referred to as justifying the present Bill.

The fact that, both in Bombay and Madras there are two Presidency Jails, has given rise to a doubt whether an extension of Act No. XII of 1865, which only contemplates a single Jail, by a notification under Section 16 of that Act, would meet the need of the case. The present Bill has been framed so as to preclude the doubt referred to.

H. S. MAINE.

SIMLA,
The 12th November 1866.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

HOME DEPARTMENT.

NOTIFICATIONS.

Fort William, the 17th December 1866.

No. 1415.

Mr. J. P. Doyle, Executive Engineer, 3rd Grade, Lower Pegu Division, British Burmah, is invested with the powers of a Subordinate Magistrate of the 1st Class described in Section 2 of Act XXV of 1861.

The 18th December 1866.

No. 1486.

The following Despatch from the Right Hon'ble the Secretary of State for India, No. 93, dated the 31st October, is published for general information:—

PUBLIC. INDIA OFFICE;
No. 93. *London, 31st October* 1866.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—I have to acquaint you that the Queen has been pleased to grant to John Henry Bax, Esq., C. B., Magistrate and Collector at Benares, Her Royal License to use the surname of Ironside, in addition to and after that of Bax. This License has been duly gazetted in the *London Gazette* of the 19th October last. I request that you will have this change of name published in the *Gazette of India.*

I have, &c.,
(Signed) CRANBORNE.

No. 1493.

Mr. A. J. Lawrence, of the Civil Service, is permitted to proceed to Europe on furlough for a period of two years, from the date of embarkation.

No. 1496.

Mr. W. Palmer is appointed Compiler of Telegraph Accounts, with the rank and emoluments of a Superintendent in that Department, and with effect from the 1st October last.

No. 1499.

Lieutenant John Hill, R. E., at present attached to the Sappers and Miners, Roorkee, is appointed to the Great Trigonometrical Survey of India as a 2nd Grade Assistant Surveyor.

No. 1501.

Captain Eckford, Assistant Commissioner, Oudh, is permitted, at his own request, to resign his appointment of Officiating Cantonment Magistrate of Fyzabad.

No. 1503.

The Hon'ble H. P. A. B. Riddell received charge of the office of Director General of the Post Office of India from Mr. A. M. Monteath, on the afternoon of the 1st instant.

No. 1514.

The under-mentioned Notification published by the Government of Bombay is re-published for general information. :—

Marine Department, Bombay Castle, 20th November 1866.

The following Statement, showing the description of lights that will be exhibited at the entrance of the Bombay Harbour on the 1st June 1867, is published for general information :—

No.	Name of Light.	Place.	Latitude, N.	Longitude, E.	No. of Lights and relative position.	Fixed Flashing, Fixed & Flashing, Intermittent, Alternating, Revolving.	Interval of Revolution of Flash.	Miles seen in clear weather.	Time Harbour Light is shown.	Color or any peculiarity of Lighthouse.	Height in feet. Centre of Lantern above High Water.	Height in feet of Building from Base to Vane.	Year lighted.	Character and Order of Illuminating Apparatus.	REMARKS.
	Kundary or Kenery.	Kundary or Kenery, Island.	18° 42′ 20″ N.	72° 48′ 50″ E.	One.	Fixed.		25	Sunset to Sunrise.	An octagonal tower rising from centre of flat roofed, two-storied arched building.	161	75	1st June 1867.	Bright 1st class.	Will be seen all round the horizon to seaward.
	Colaba or Bombay.	Colaba Point.	18° 53′ 32″ N.	72° 48′ 50″ E.	One.	Revolving.	2 Minutes.	17 to 18	Sunset to Sunrise.	A white tower on South-end of Colaba Point.	119	93		Catoptric 2nd class bright.	Ditto.
	Outer Floating Light Ship.	Fairway into Bombay Harbour.	18° 50′ N.	72° 46′ 50′	One.	Fixed.		About 10 miles.	Sunset to Sunrise.	Red with ball at Mast-head.	As at present.		1st June 1867.	Red catoptric.	A blue light is burnt every hour and a torch at the half hours during the night; a red ball is shown during the day from the mast-head, and on a sail being signalled, a red flag is hoisted.
	Floating Inner Light.	As at present.						10 miles.	As at present.					Bright catoptric.	Bears from outer light N. E. ½ N distant 4½ miles, has a red ball at her mast head, and hoists a red flag on a ship being signalled.

A. R. HOSKINS, *Captain*, R. A.,

Actg. Deputy. Secy. to Govt.

The 19th December 1866.

No. 1529.

Mr. A. M. Monteath, Under Secretary to the Government of India, Home Department, has obtained privilege leave for two months.

Mr. W. E. Ward is appointed to officiate as Under Secretary to the Government of India during Mr. Monteath's absence.

Mr. Monteath made over charge to Mr. Ward on the afternoon of the 13th instant.

No. 1550.

The Governor General in Council is pleased to re-attach to the North-Western Provinces, Punjab, and Oudh, Mr. C. J. Powlett, of the Civil Service, who returned from England on the 10th December.

No. 1552.

Lieutenant E. B. Ward, District Superintendent of Police in Oudh, returned from the twenty months' leave granted him in Notification No. 297, dated 20th March 1865, and received charge of the Mahomdee District from Lieutenant Murray, Officiating Assistant District Superintendent, on the forenoon of the 23rd ultimo.

No. 1554.

ERRATUM.—In Notification No. 613, dated 21st ultimo, for Mr. *Fisher*, Deputy Inspector, read Mr. *Foster*, Deputy Inspector.

No. 1556.

ECCLESIASTICAL.—The Reverend G. T. Carruthers, appointed a Junior Chaplain on the Bengal Establishment, reported his arrival, on the 11th instant, per Steamer "Simla."

2. Mr. Carruthers' services are placed at the disposal of the Government of Bengal.

The 20th December 1866.

No. 1612.

The Reverend H. Tuson was a passenger on board the Ship "Patrician," which vessel was left by the Pilot at sea on the 8th instant.

The 21st December 1866.

No. 1648.

Notification No. 691, dated 26th ultimo, of the appointment of the Reverend Henry Pope to be Chaplain of Berar, is cancelled.

No. 1649.

The leave granted to the Reverend H. F Corbyn, Chaplain of Lucknow, in Notification No. 738, dated 28th ultimo, is cancelled.

The services of the Reverend H. F. Corbyn are placed at the disposal of the Government of the Punjab.

No. 1651.

The Reverend Thomas Moore, a Chaplain on the Bengal Establishment, reported his return from England on the 1st instant.

Mr. Moore's services are placed at the disposal of the Government of the North-Western Provinces.

No. 1654.

Under the provisions of Section 22 of Act VIII of 1859, the Governor General in Council is pleased to exempt the under-mentioned Native Gentlemen from personal appearance in the Civil Courts of the Central Provinces:—

Jamojee Bhonslah, Rajah of Deor.
Rajah Suleeman Shah, the heir of the Gond Kings.
Sondur Burhaya, Chief of Borasumur.
Oomrao Shah, Chief of Bindra Nowaghur.
Rajah Jug Sah, Chief of Phooljhur.
Rajah Kishen Chunder Sing, Chief of Kurrier.
Kishen Rao Madho Bhooscutta of Junoomee.
Bulwunt Sing, Rajah of Pitehra.
Baba Hulwunt Rao, Rajah of Saugor.
Eshwunt Rao, Goojur of Nagpore.
Chitkojee Rao, Goojur of Nagpore.
Nana Trimbukjee Aheer, Rao of Nagpore.
Dadoba Sirkea, of Nagpore.
Parbut Rao, Goojur of Nagpore.
Ailajee Aheer, Rao of Nagpore.
Keshore Sing, Rajah of Futtehpore.
Ramdeer Sing, of the Futtehpore Family.
Duriao Sing, " "
Chuttar Sah, Rajah of Sobhapore.
Kumran Shah, Rajah in the Hoshungabad District.
Hurbuns Roy, Rajah of Huttree.
Nizam Sing, Rajah of Chichlee.
Kesree Sing, Thakoor Khundye.
Pertab Sing, Rao of Oomurreah.
Dherraj Sing, Rao of Belchra.
Prithee Sing, Dewan of Bamhnee.

No. 1656.

The Reverend T. C. Smyth, D. D., Senior Chaplain, has been appointed to be Commissary to the Officiating Bishop of Calcutta, during the absence of the Ven'ble the Archdeacon from Calcutta.

No. 1657.

Mr. R. G. Melvill, of the Civil Service, is permitted to proceed to Europe on furlough for a period of three years, from the date of embarkation.

E. C. BAYLEY,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

Fort William, the 19th December 1866.

Judicial.

No. 394.

His Excellency the Governor General in Council is pleased to make the provisions of Section 20, Act XI of 1865, applicable to the Court of Small Causes at Bangalore.

The 19th December 1866.

Military.

No. 202.

Major F. L. Mackeson, Officiating Commandant, Meywar Bheel Corps, returned to duty on the 8th ultimo, from the leave granted him in G. O. No. 103, dated 15th June 1866.

The 20th December 1866.

No. 205.

Surgeon H. C. Brodrick, M. D., in medical charge of the 1st Regiment, Central India Horse, is transferred to the 2nd Regiment.

Assistant Surgeon F. Odevaine, in medical charge of the 2nd Regiment, Central India Horse, is transferred to the 1st Regiment.

The 21st December 1866.

No. 207.

ERRATUM.—In G. O. No. 211, dated 29th ultimo, regarding Lieutenant Taylor's appointment to the Central India Horse, for "2nd Wing Officer," read "2nd Doing-duty Officer."

The 17th December 1866.

General.

No. 1912.

PROMOTIONS.—The promotion of Syud Abdool Hukeem to be Extra Assistant Commissioner, 1st Grade, in Oudh, notified in G. O. No. 1428, dated 17th September last, is to have effect from the 21st October.

Moonshee Hursahai to be Extra Assistant Commissioner, 2nd Grade, vice Syud Abdool Hukeem.

Moonshee Neamut Ali Khan to be Extra Assistant Commissioner, 3rd Grade, vice Moonshee Hursahai.

No. 1914.

NOTIFICATION.—The appointment of Surgeon J. Elliot to officiate as Residency Surgeon at Indore, notified in G. O. No. 160, dated 29th ultimo, is to have effect from the 22nd October last.

No. 1916.

APPOINTMENT.—Captain C. W. Street, Deputy Commissioner, 4th Grade, in British Burmah, to officiate as a Deputy Commissioner of the 3rd Grade, during the absence, on leave, of Captain H. A. Browne.

The 19th December 1866.

No. 1933.

Mr. C. J. Powlett, C. S., has been granted, by the Secretary of State for India, an extension of leave for five months on medical certificate.

The 20th December 1866.

No. 1946.

LEAVE.—Mr. J. Talboys Wheeler, Assistant Secretary to Government in the Foreign Department, is granted privilege leave of absence for three months from the 23rd instant.

Mr. A. H. Harington, Junior Secretary to the Chief Commissioner of Oudh, is appointed to act as Assistant Secretary to Government in the Foreign Department during Mr. Wheeler's absence.

The 21st December 1866.

No. 1956.

Lieutenant Colonel E. Thompson, Officiating 1st Assistant to the Governor General's Agent for Central India and Deputy Opium Agent in Malwa, is confirmed in that appointment.

J. W. S. WYLLIE,

Offg. Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

NOTIFICATIONS.

Fort William, the 17th December 1866.

No. 2417.

Mr. S. G. Wyatt returned from the two years' leave on medical certificate granted to him in Financial Notification No. 498, dated 25th January 1865, and received charge of the office of Inspector of Local Offices of Account, from Mr. W. E. Gordon, on the forenoon of the 12th instant.

The 18th December 1866.

No. 2444.

Mr. R. Taylor availed himself, on the 15th October last, of the balance of one month's privilege leave due to him, making over charge of his office of Deputy Accountant General, Madras, to Mr. W. J. Raynor, on the forenoon of the same day.

The 21st December 1866.

No. 2497.

Mr. G. W. Kellner is appointed an Auditor of the Accounts of the Administrator General of Bengal.

E. H. LUSHINGTON,

Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 15th December 1866.

No. 1062 *of* 1866.—Under the authority of the Right Hon'ble the Secretary of State for India, His Excellency the Governor General in Council is pleased to notify that Officers joining the Staff Corps, under Government General Order No. 808 of the 26th September 1866, will not be liable to be placed on half pay under Government General Order No. 826 of 17th September 1861, upon any grounds other than such as would have justified their removal from the effective strength of the Army, had they not joined the Staff Corps.

The 17th December 1866.

No. 1063 *of* 1866.—The services of Lieutenant W. W. H. Scott, of the General List, Infantry, 1st Squadron Subaltern of the 5th Punjab Cavalry, are placed temporarily at the disposal of the Government of Bombay.

No. 1064 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following appointments :—

Pay Department.

Captain J. P. Martin, Pension Pay Master, Lucknow Circle, to officiate as Pay Master in the Trans-Ravee Circle, Rawul Pindee, during the absence on sick leave of Captain G. J. D. Hay, or until further orders.

Major A. S. Allan, Wing Officer, 5th Native Infantry, and late Officiating Pay Master, Allahabad Circle, to officiate as Pension Pay Master, Lucknow Circle, vice Captain Martin.

No. 1065 *of* 1866.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs :—

Assistant Surgeon Robert Bird, M. D., of the Medical Department, Civil, Howrah.	For six months, under the new Regulations.

The 18th December 1866.

No. 1066 *of* 1866.—Lieutenant J. M. Tulloch, of the General List, Infantry, Officiating 1st Wing Subaltern, 1st Punjab Infantry, is permitted, at his own request, to resign his appointment in the Punjab Frontier Force, and his services are accordingly placed at the disposal of His Excellency the Commander-in-Chief.

No. 1067 *of* 1866.—The following orders issued by the Resident at Hyderabad are confirmed :—

No. 184 *of the 1st December* 1866.—Granting leave of absence on medical certificate to Assistant Surgeon B. Williamson, M. B., in medical charge of the 2nd Cavalry, Hyderabad Contingent, from the 9th December 1866, or date of departure, until the 31st May 1867, with permission to visit Bangalore and the Neilgherries.

No. 185 *of the 1st December* 1866.—Appointing Assistant Surgeon H. Crocker, M. D., 4th Infantry, to the officiating medical charge of the 2nd Cavalry, Hyderabad Contingent, from date of departure on medical certificate of Assistant Surgeon B. Williamson, M. B., and directing him to afford, in addition, medical aid to the 4th Infantry and 3rd Battery, Hyderabad Contingent, Staff and Details at Aurungabad.

No. 1068 *of* 1866.—Her Majesty has been pleased to appoint the under-mentioned gentlemen to be Assistant Surgeons in Her Majesty's Indian Military Forces at the Presidency of Bengal. They are accordingly admitted into the service :—

Medical Department.

	Date of arrival at Fort William.
Mr. Griffith Griffith ... " Lewis Cameron, M. D. . " James Thomas Gage, M. D. " Denis Francis Keegan, M. D. " William Walker Galloway, M. B.	13th December 1866.

No. 1069 *of* 1866.—The under-mentioned Officers have reported their return from England :—

	Date of arrival at Fort William.
Lieutenant H. C. Collier, of the Bengal Staff Corps.	10th November 1866.
Lieutenant J. M. Stewart, of the late 35th Regiment Native Infantry.	13th November 1866.
Major (Brevet Lieut. Colonel) H. M. Garstin, of the Bengal Staff Corps, Commandant, 42nd Native Infantry. Colonel H. E. L. Thuillier, of the Royal Artillery, Surveyor General of India, and Superintendent, Topographical and Revenue Surveys. Surgeon N. J. Grant, of the Medical Department.	11th December 1866.

No. 1070 *of* 1866.—Surgeon N. J. Grant, of the Medical Department, is allowed an extension of leave from the 24th November to the 11th December 1866, the date on which he reported his return to Bengal from sick leave to Europe.

No. 1071 *of* 1866.—The under-mentioned Officer is permitted to proceed to Europe on urgent private affairs :—

Captain William Cavendish Bentinck Ryan, of the Bengal Staff Corps, Wing Officer of the 41st (The Gwalior) Regiment Native Infantry.	For six months, without pay.

The 19th December 1866.

No. 1072 *of* 1866.—The following Military Letter from the Right Hon'ble the Secretary of State for India, No. 231 of the 9th November 1866, is published for general information :—

MILITARY. INDIA OFFICE ;

No. 231. *London, 9th November* 1866.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—I have received and considered in Council your Excellency's letter No. 147, dated the 30th June 1866, relative to a question raised by the Government of Fort St. George, with special reference to the case of Captain A. C. Grant, of the 11th Hussars, Aide-de-Camp to Major General Haines, Commanding the Mysore Division, whether an Officer of Her Majesty's British Army, on the strength of a Regiment not in India, but holding a Staff appointment in that country, can obtain leave to England with the retention of his appointment, and, if so, to what salary he is entitled.

2. In reply, I have to inform you that I have resolved to apply to Officers in this category the rules published in General Order by the Governor General, No. 952 of the 22nd October 1861, as affecting General Officers on the Staff.

3. Under this ruling, leave on sick certificate will be restricted to six months with Indian allowances and half Staff salary, and on private affairs to four months without pay, the penalty of exceeding such period being loss of appointment, and in no case will more than one grant of leave out of India be allowed.

I have, &c.,

(Signed) CRANBORNE.

No. 1073 *of* 1866.—The under-mentioned Officers have reported their return from England :—

	Date of arrival at Fort William.
Captain H. D. Marsh, of Her Majesty's 82nd Foot, Brigade Major.	13th December 1866.
Lieutenant O. Barnes, of the Bombay Staff Corps, 2nd Squadron Officer, 10th Bengal Cavalry (Lancers). Surgeon Major S. A. Homan, of the Medical Department.	15th December 1866.
Lieutenant Colonel R. N. Raikes, of the Infantry.	16th December 1866.

No. 1074 *of* 1866.—Captain H. D. Marsh, of Her Majesty's 82nd Foot, Brigade Major, is allowed an extension of leave to the 13th December 1866, the date on which he reported his return to Bengal from sick leave to Europe.

No. 1075 *of* 1866.—Surgeon Major S. A. Homan, of the Medical Department, is allowed an extension of leave from the 5th to the 15th December 1866, the date on which he reported his return to Bengal from sick leave to Europe.

No. 1076 *of* 1866.—Lieutenant O. Barnes, of the Bombay Staff Corps, 2nd Squadron Officer, 10th Bengal Cavalry (Lancers), is allowed an extension of leave from the 8th to the 15th December 1866, the date on which he reported his return to Bengal from sick leave to Europe.

No. 1077 *of* 1866.—The order issued by the Brigadier General Commanding the Punjab Frontier Force, dated 26th October 1866, appointing Lieutenant R. B. Lockwood, 1st Wing Subaltern, 3rd Punjab Cavalry, to officiate as 2nd Squadron Officer of the Corps of Guides, during the absence on sick leave of Lieutenant W. J. Forlong, or until further orders, is confirmed.

The 20th December 1866.

No. 1078 *of* 1866.—Major H. G. A. Vicars, of Her Majesty's 18th Foot, Aide-de-Camp on the Personal Staff of His Excellency the Viceroy and Governor General of India, is allowed leave of absence from the 15th December 1866, preparatory to applying for leave of absence on medical certificate to Europe.

No. 1079 *of* 1866.—His Excellency the Governor General of India has been pleased to appoint Captain E. F. B. Brooke, of Her Majesty's 41st Foot, to officiate as an Aide-de-Camp on His Excellency's Personal Staff, with effect from the 15th instant, and during the absence on sick leave of Major Vicars, or until further orders.

No. 1080 *of* 1866.—The under-mentioned Non-Commissioned Officers and Soldiers of Her Majesty's service are permitted to reside and draw their pay in India as Out-pensioners of Chelsea Hospital, in accordance with the Royal Warrant of the 23rd July 1864, pending a reference to the Home Authorities as to the amount of their pensions :—

Color Sergeant George Milne .. " John Murray...	1st Battalion, 11th Foot.
Sergeant J. Gallagher ... Private James Cox ...	105th Foot.

No. 1081 *of* 1866.—The under-mentioned Officer has reported his departure on the date specified opposite to his name :—

Captain W. Cadell, of the Madras Staff Corps, Government General Order No. 448 of 1866.	25th July 1866, from Bombay.

No. 1082 *of* 1866.—ERRATUM.—In Government General Order No. 959 of the 20th November 1866, making promotions in the 10th Native Infantry, in the column headed In whose room, for "Shaik Ultoo," invalided, read Shaik *Uttoo*, invalided.

Order books to be corrected accordingly.

No. 1083 *of* 1866.—The following order issued by the Resident at Hyderabad is confirmed :—

No. 188 *of the* 6*th December* 1866.—Appointing Lieutenant A. F. Dobbs, Officiating Paid Squadron Subaltern of the 3rd Cavalry, Hyderabad Contingent, to officiate as Paid Squadron Subaltern, 2nd Cavalry, Hyderabad Contingent.

No. 1084 *of* 1866.—The under-mentioned Officers of the Bengal Staff Corps, having completed 20 years' service, are promoted to the rank of Major, from the date specified, under the provisions of Government General Order No. 808 of the 26th September 1866, subject to Her Majesty's approval :—

Captain John Thornhill Watson. Captain (Brevet Lieutenant Colonel) George Allgood, C. B. Captain Joseph White Orchard.	20th December 1866.

No. 1085 *of* 1866.—The under-mentioned Officers of the Bengal Staff Corps, having completed 12 years' service, are promoted to the rank of Captain, from the date specified, under the provisions of Government General Order No. 808 of the 26th September 1866, subject to Her Majesty's approval :—

Lieutenant Mark Henry Heathcote. Lieutenant Francis Kellett Hawkins.	20th December 1866.

No. 1086 *of* 1866.—The following promotions are made, from the date specified, under the operation of Government General Order No. 632 of the 4th August 1864, paragraph 69, subject to Her Majesty's approval :—

BREVET.

To be Captains.

Lieutenant Charles William Campbell, late 10th N. I. Lieutenant John Matthew Glubb, late 38th N. I.	20th December 1866.

The 21*st December* 1866.

No. 1087 *of* 1866.—His Excellency the Governor General of India in Council is pleased to declare the provisions of the following Horse Guards' Circular No. 338, dated 25th April 1865, which sanctions the grant of three shillings to Adjutants of British Regiments for each Recruit enlisted at Regimental Head Quarters, to be applicable to India.

2. The allowance of three shillings, or the equivalent, one rupee and eight annas, will accordingly be passed, but on occasions of first enlistment only.

This Order is applicable to the three Presidencies.

CIRCULAR MEMORANDUM.

Addressed to the Army at Home and Abroad.

GENERAL. HORSE GUARDS, S. W.

No. 338. 25*th April* 1865.

Recruiting.
1—(1866.)

His Royal Highness the Field Marshal Commanding-in-Chief hereby notifies to the Army that the Secretary of State for War has consented to grant to Adjutants of Regiments, Corps and Depôt Battalions, the sum of three shillings for each Recruit enlisted at their Head Quarters and finally approved.

By Command of His Royal Highness the Field Marshal Commanding-in-Chief,

(Signed) JAMES YORKE SCARLETT,
Adjutant General.

No. 1088 *of* 1866.—The under-mentioned Student of the Military Class, attached to the Calcutta Medical College, having passed the prescribed examination, is admitted into the service as a Native Doctor, with effect from the 15th December 1866, and placed at the disposal of the Officiating Principal Inspector General, Medical Department :—

Peer Khan.

No. 1089 *of* 1866.—The under-mentioned Non-Commissioned Officer is admitted to pension as specified opposite to his name :—

Sergeant Henry Elston, of the Barrack Department.	2*s.* per diem, payable in Melbourne, Australia.

No. 1090 *of* 1866.—The under-mentioned Officers are admitted to the Bengal Staff Corps, with effect from the 12th September 1866, under the provisions of Government General Order No. 808 of the 26th idem, subject to confirmation by the Right Hon'ble the Secretary of State for India :—

Captain (Brevet Lieutenant Colonel) Evelyn Bradford, late 23rd N. I.
Captain (Brevet Lieutenant Colonel) Thomas Peach Waterman, late 13th N. I.
Captain (Brevet Major) John Forbes Campbell, late 2nd E. B. F.
Captain (Brevet Major) Edward Thompson, late 4th E. R.
Captain (Brevet Major) Frederick Charles John Brownlow, late 1st E. L. C.
Captain (Brevet Major) James Mansfield Nuttal, late 5th E. R.
Captain (Brevet Major) Jeffery Edward Lake Willows, late 10th N. I.
Captain (Brevet Major) Alexander Pond, late 3rd E. R.
Captain (Brevet Major) Thomas Henry Wilson, late 57th N. I.
Captain (Brevet Major) Edward Norman Perkins, late 14th N. I.
Captain Alfred Francis, late 68th N. I.
Captain (Brevet Major) Charles Baily, late 17th N. I.
Captain Charles Noble McMullin, late 73rd N. I.
Captain Robert Stannus Graves, late 66th N. I.
Captain (Brevet Major) Stephen Douglas, unattached.
Captain Robert Durie Griffin, late 64th N. I.
Captain John Skynner Waltus, late 28th N. I.
Captain Henry Loftus Alexander Tottenham, late 67th N. I.
Lieutenant (Brevet Captain) Henry Albany Wyndham Waterfield, late 27th N. I.
Lieutenant Edmund Yeamans Walcott, late 57th N. I.

Lieutenant William Frederick Edwards, late 45th N. I.
Lieutenant Alexander McLeod Stewart, late 64th N. I.
Lieutenant George Lawrence Keir, late 41st N. I.
Lieutenant James Miller, late 27th N. I.
Lieutenant Wardlaw Cortlandt Anderson, late 22nd N. I.
Lieutenant John Boulton Brander, late 37th N. I.
Lieutenant Lorne Macdonald, late 73rd N. I.
Lieutenant Marshall Pritchard Moriarty, late 41st N. I.
Lieutenant James Calder Stewart, late 6th E. R.
Lieutenant John Francis FitzGerald Cologan, late 22nd N. I.
Lieutenant John Frederic Trevanion, late 21st N. I.
Lieutenant Francis Richard Arabin Brown Constable, late 69th N. I.
Lieutenant Alexander England, late 44th N. I.
Lieutenant Arthur Gore Handcock, late 43rd N. I.
Lieutenant Frederick Henry Alexander, late 43rd N. I.

No. 1091 *of* 1866.—The following promotions are made in the Bengal Staff Corps, from the date specified, under the provisions of Government General Order No. 808 of the 26th September 1866, subject to Her Majesty's approval :—

TO BE LIEUTENANT COLONELS.

Having served 26 *years.*

Captain (Brevet Lieut. Colonel) Evelyn Bradford.
Captain (Brevet Lieut. Colonel) Thomas Peach Waterman.
} 12th September 1866.

TO BE MAJORS.

Having served 20 *years.*

Captain (Brevet Major) John Forbes Campbell.
Captain (Brevet Major) Edward Thompson.
Captain (Brevet Major) Frederick Charles John Brownlow.
Captain (Brevet Major) James Mansfield Nuttall.
Captain (Brevet Major) Jeffery Edward Lake Willows.
Captain (Brevet Major) Alexander Pond.
Captain (Brevet Major) Thomas Henry Wilson.
Captain (Brevet Major) Edward Norman Perkins.
Captain (Brevet Major) Charles Baily.
Captain (Brevet Major) Stephen Douglas.
} 12th September 1866.

TO BE CAPTAINS.

Having served 12 *years.*

Lieutenant (Brevet Captain) Henry Albany Wyndham Waterfield.
Lieutenant (Brevet Captain) Edmund Yeamans Walcott.
Lieutenant (Brevet Captain) William Frederick Edwards.
Lieutenant (Brevet Captain) Alexander McLeod Stewart.
} 12th September 1866.

No. 1092 *of* 1866.—The following promotion is made, subject to Her Majesty's approval :—

Corps	Rank and Name.	To what rank promoted.	From what date.	In whose room.
Cadre, 1st E. B. F.	Lieutenant (Bt Captain) Edwin Archibald Chester Lambert ...	Captain ..	12th Dec. 1866...	Captain J. S. Ingram (Staff Corps), struck off.

No. 1093 *of* 1866.—3rd Class Sub-Assistant Surgeon Jadub Chunder Banerjee, lately attached to the Dispensary at Rawul Pindee, is permitted to resign the service.

No. 1094 *of* 1866.—The services of Assistant Surgeon J. A. P. Colles, M. D., and L. R. C. S., I., are placed temporarily at the disposal of the Government of Bengal.

His Excellency the Governor General in Council is pleased to make the following appointment :—

Assistant Surgeon G. C. Chesnaye to officiate in medical charge of the Lawrence Military Asylum at Sunawur, vice Dr. Colles.

No. 1095 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following appointment :—

Stud Department.

Assistant Surgeon H. Clark, M. D., to the Medical charge of the Buxar Stud, on the expiration of his tour of duty in joint medical charge of Simla.

No. 1096 *of* 1866.—The services of the undermentioned Officers are placed at the disposal of the Home Department, those of Lieutenant Cumberlege from the date on which he may be relieved from his present duties :—

Lieutenant L. T. K. Gustavinski, of the Bengal Staff Corps, Wing Officer of the 2nd Punjab Infantry.
Lieutenant A. F. Cumberlege, of the Royal Artillery, a candidate for the Staff Corps.

No. 1097 *of* 1866.—The under-mentioned Officer has reported his return from England :—

Date of arrival at Fort William.

Captain C. A. De Kantzow, of the Bengal Staff Corps, Assistant Commissioner, Punjab. } 4th December 1866.

No. 1098 *of* 1866.—Captain C. A. Dekantzow, of the Bengal Staff Corps, Assistant Commissioner in the Punjab, is allowed an extension of leave from the 19th November to the 4th December 1866, the date on which he reported his return to Bengal from sick leave to Europe.

No. 1099 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following appointment :—

PUNJAB FRONTIER FORCE.
Corps of Guides.

Lieutenant C. E. Hunter, of the General List, Infantry, Assistant Commissioner in the Punjab, to be 1st Wing Subaltern of the Infantry.

No. 1100 *of* 1866.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

Captain George James Dalrymple Hay, of the Bengal Staff Corps, Pay Master, Trans-Ravee Circle, Rawul Pindee Division.	For 20 months.

No. 1101 *of* 1866.—Colonel R. Hamilton, Madras Staff Corps, will rank as Colonel in the Army, under the operation of the Royal Warrant of the 31st January 1859, from the 24th September 1863, instead of from the 11th January 1864, as announced in G. G. O. No. 966 of 1865.

No. 1102 *of* 1866.—The following Military letter from the Right Hon'ble the Secretary of State for India, No. 230, dated 9th November 1866, is published for general information :—

MILITARY. INDIA OFFICE;
No. 230. *London, 9th November* 1866.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—PARA. 1.—Having had under my consideration in Council Your Excellency's Despatch No. 258, I addressed to you, on the 5th instant, the following telegraphic message :—

"Your Letter of the 21st September, No. 258, received.

"Permission, under recent Despatch, to enter Staff Corps was given only to Officers of Indian Army. Officers of Line regiments have ceased to be Officers of the Indian Army, therefore they are not to be admitted to Staff Corps, but bonus compensation should be given them under the terms of the Despatch.

"More by letter."

2. With regard to the first inquiry, the measures proposed had reference to the Officers of the Indian Army, and to no others, and were therefore not intended to apply to Officers of Artillery and Engineers, or those of the new Line regiments, whose connexion with that service had ceased.

3. With regard to your second inquiry, it was stated, in para. 11 of Despatch No. 160, that a committee will be formed at each Presidency for the purpose of investigating and reporting upon claims of this nature, on the part of Officers borne on the strength of the Indian Army on the 18th February 1861.

4. The terms of that order clearly embrace not only Officers who joined the new Line regiments from the Indian Army, subsequent to the 18th February 1861, but also the whole of the Officers of the Artillery and Engineers, late of the Indian Army, and they were intended to do so.

I have, &c.,
(Signed) CRANBORNE.

H. K. BURNE, *Lieut. Colonel,*
Offg. Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Fort William, the 15*th December* 1866.

Establishment.

No. 315.

The services of Major F. T. Haig, R. E., having been replaced at the disposal of the Government of India, he is re-appointed to the Public Works Department as a Superintending Engineer, 1st Class, 2nd Grade, and posted to the Central Provinces for employment on the Upper Godavery Works.

The 18*th December* 1866.

No. 316.

Mr. J. Page, Supervisor, 1st Grade, is transferred from Mysore to Rajpootana.

The 20*th December* 1866.

No. 317.

ERRATUM.—In Public Works Department Notification No. 302 of the 27th November 1866, for "Lieutenant Colonel F. Alexander" read "*Major* F. Alexander."

No. 318.

Lieutenant Colonel A. Cowper, R. E., Executive Engineer, 2nd Grade, is transferred from Rajpootana to Oudh.

No. 319.

Mr. H. Gwyther is appointed to the Public Works Department as an Assistant Engineer of the 2nd Grade, and posted to the Central Provinces.

320.

Mr. A. C. Bell, Assistant Engineer, 2nd Grade, is transferred from the North-Western Provinces to British Burmah.

No. 321.

Mr. G. W. Owen, Assistant Engineer, 2nd Grade, Punjab, at present on sick leave in Europe, is permitted, on the recommendation of the Medical Board, to resign his appointment in the Public Works Department, with effect from the date of the expiry of his leave.

The 21*st December* 1866.

No. 322.

The furlough for one year granted to Nissar Ally, Overseer, 2nd Grade, Central Provinces, in Notification No. 260 of the 13th October 1866, is to have effect from the 13th November 1866, and not from the 1st October 1866, as therein stated.

No. 323.

Major A. Cadell, R. E., Superintending Engineer, 2nd Class, 1st Grade, is transferred from the Punjab to the charge of the Rajpootana Circle of the Public Works Department.

Major C. Pollard, R. E., is transferred from the Rajpootana Circle to the Central Provinces, to officiate as Chief Engineer and Secretary to the Chief Commissioner, vice Lieutenant Colonel W. Maxwell, R. A., about to proceed on sick leave to England.

These transfers will have effect from dates which will be hereafter notified.

C. H. DICKENS, *Lieut. Colonel,* R. A.,
Secy. to the Govt. of India.

POST OFFICE.

NOTICE No. 178.

Calcutta, 18th December 1866.

Revised rates for the conveyance of Bullock Train Packages between Calcutta and Pankabarry to come in force from 1st January 1867 :—

	Per	Md.	
From Calcutta to Carragolah ...	2	14	0
" " to Purneah ...	3	5	0
" " to Kishengunge...	4	4	0
" " to Titalyah ...	5	3	0
" " to Pankabarry ..	5	10	0

The rates from Pankabarry to Carragolah and intermediate stations and to Calcutta will be the same as the above, excepting for country produce, which will be charged for as follows, viz. :—

	Per	Md.	
From Pankabarry to Titalyah ...	0	11	0
" " to Kishengunge	1	2	0
" " to Purneah ...	1	9	0
" " to Carragolah	1	14	0
" " to Colgong ..	2	3	0

R. W. H. FANSHAWE, *Major,*
Post Master Genl. of Bengal.

CURRENCY NOTES.

Extract from Financial Department Notification No. 1004 *A, dated Simla,* 30*th July* 1866.

Para. 9.—"The person making the statement respecting a lost or destroyed note, or portion of note, will be required to advertise its loss (free of charge) *thrice* at least in the *Official Gazette* of the Presidency or place where or within which the note is payable, and *once* in the *Gazette of India.*"

Lost.

First half of the following Currency Note, intimation of loss given to the Currency Office, Allahabad :—

No. $\frac{A}{18}$32846 for Rs. 10.

First half of the following Currency Note, intimation of loss given to the Currency Office, Allahabad :—

No. $\frac{A}{26}$10497 for Rs. 20.

Second half of Currency Note, No. $\frac{A}{18}$08991 for Rs. 50 ; intimation of loss given to the Currency Office, Allahabad.

First half of the following Currency Note, intimation of loss given to the Currency Office, Allahabad :—

No. $\frac{A}{26}$03598, for Rs. 20.

Right halves of the following Bank Notes of the Allahabad Circle, Nos. $\frac{A}{30}$16068, dated 5th May 1864, and $\frac{A}{13}$82127, dated 16th July 1861, for Rs. 100 each.

First halves of Currency Notes Nos. $\frac{A}{18}$02290, and $\frac{A}{18}$08446, for Rs. 50 each.

Government Currency Note No. $\frac{A}{19}$38303, for Rs. 500. Payment stopped at the Currency Office.

First half of the Currency Note, No. $\frac{A}{18}$30593, for Rs. 10. Intimation of loss given to the Currency Office, Allahabad.

First half of Government Currency Note, No. $\frac{A}{13}$28626, for Rs. 100.

In the transit by Dâk, half of the Currency Note, No. $\frac{A}{18}$33494, for Rs. 100. Intimation of loss given to the Currency Office, Calcutta.

Second halves of the following Currency Notes, intimation of loss given to the Currency Office, Allahabad :—No. $\frac{A}{18}$21563, for Rs. 10.
No. $\frac{A}{18}$21564, for Rs. 10.

The left halves of Currency Notes Nos. $\frac{A}{20}$83460 and $\frac{A}{30}$69661, for Rs. 100 each, intimation of loss given to the Currency Office, Calcutta.

One half of a Government Currency Note No. $\frac{S}{30}$32634, for Rs. 100, of the Lahore Circle of Issue, dated 5th May 1864.

In their transit to Calcutta, the following Government Currency Notes of the Bengal Circle, intimation of which has been given to the Calcutta Currency Office :—

No. $\frac{A}{25}$56421, for Rs. 20
" $\frac{A}{25}$56422 " 20
" $\frac{A}{25}$56423 " 20

The following Currency Notes, intimation given to the Currency Office, Calcutta :—

No. $\frac{A}{11}$60345, for Rs. 50
" $\frac{A}{11}$74254 " 50

Halves of the following Currency Notes, intimation of loss given to the Currency Office, Calcutta :—

Nos. $\frac{A}{27}$36220 and $\frac{A}{27}$36221, for Rs. 20 each.

Destroyed.

A Currency Note No. $\frac{A}{18}$05283, for Rs. 500, intimation given to the Currency Office, Calcutta.

Mutilated.

Punjab Currency Note No. $\frac{A}{30}$36912, for Rs. 100. Any person finding two pieces torn off this Note is requested to communicate with A. and S. Wallace, Umballa, Punjab.

Lost or Stolen.

Halves of the following Currency Notes, intimation of loss given to the Currency Office, Calcutta :— No. $\frac{A}{27}$91312, for Rs. 50.
" $\frac{A}{27}$32879, " 20.
" $\frac{A}{20}$80820, " 10.

Half of the following Currency Note, intimation of loss given to the Currency Office, Calcutta :—
No. $\frac{A}{29}$36854.

Paid by mistake as one Note for Rs. 10 first half No. $\frac{A}{7}$06636, second half No. $\frac{A}{7}$06637, intimation given to Currency Office.

PROMISSORY NOTES.

Lost.

The following Government Promissory Notes, Nos. 25499 of 1841-42, for Rs. 2,500, and 25276 of 1841-42, for Rs. 2,000.

DENOBUNDOO NUNDY.

Two Government four per cent. Promissory Notes No. 772 of 18295 of 1854-55, Rs. 1,000; No. 6737 of 3298 of 1835-36, Rs. 500; blank endorsed by Madub Chunder Bundopadhai, together with Rs. 66-4-9 in Notes and Cash. Payment stopped for the above Papers.

BOLLY CHAND DUTT.

Statement of Government Promissory Notes enfaced for Payment of Interest in London (under deduction of amount re-transferred to India) and outstanding in the Books of the Bank of Bengal on the 8th December 1866.

PARTICULARS.	3½ PER CENT LOAN OF 1853-54.	4 PER CENT LOANS							4½ PER CENT LOAN OF 1856-57	5 PER CENT P W LOAN OF 1854-55.	5 PER CENT. LOAN OF 1856-57.	5½ PER CENT LOAN OF 1859-60.	TOTAL AMOUNT.
		of 1824-25.	of 1828-29	of 1832 33	of 1835-36.	of 1842-43	of 1854-55.	Transfer of 1865.					
Balance of 21st November 1866 ...	8,100	50,133	320	23,27,786	27,32,300	1,15,11,200	88,59,600	46,99,500	16,500	43,86,800	5,21,40,700	3,36,93,100	12,04,26,039
ADD—													
Amount enfaced at Madras between 22nd November and 8th December 1866	...	...	...	.	...	...	...	5,300	...	...	71,000	56,700	1,33,000
Amount enfaced at Bombay between 22nd November and 8th December 1866	...	...	...	...	57,000	1,96,400	1,30,600	...	...	21,000	6,42,700	9,49,000	19,96,700
Amount enfaced at Calcutta between 22nd November and 8th December 1866	...	...	...	...	3,300	54,000	4,000	8,400	...	25,000	2,17,700	20,500	3,32,900
	8,100	50,133	320	23,27,786	27,92,600	1,17,61,600	89,94,200	47,13,200	16,500	44,32,800	5,30,72,100	3,47,19,300	12,28,88,639
DEDUCT—													
Amount written off in the London Registers	...	...	...	...	...	66,700	33,000	5,300	...	14,000	1,41,600	63,000	3,23,600
Balance on 8th December 1866 ..	8,100	50,133	320	23,27,786	27,92,600	1,16,94,900	89,61,200	47,07,900	16,500	44,18,800	5,29,30,500	3,46,56,300	12,25,65,039

BANK OF BENGAL;
PUBLIC DEBT OFFICE,
The 14th December 1866.

GEO. DICKSON,
Secretary and Treasurer.

SILVER BALANCE IN THE MINT.

Balance of Bullion under assay or remaining to be assayed on the morning of the 10th December 1866,	21,25,258
10th December tendered ...	1,49,259
	22,74,517
Certificates issued	8,154
Balance	22,66,363
11th December tendered ...	83,995
	23,50,358
Certificates issued	2,10,496
Balance	21,39,862
12th December tendered ...	3,31,000
	24,70,862
Certificates issued	2,10,448
Balance	22,60,414
13th December tendered ...	34,686
	22,95,100
Certificates issued	1,98,319
Balance	20,96,781
14th December tendered ...	...
	20,96,781
Certificates issued	1,83,821
Balance	19,12,960
15th December tendered ...	36,818
	19,49,778
Certificates issued	1,95,915
Balance	17,53,863
Add difference in value between Tender and Certificates	22,305
Balance of Bullion under assay or remaining to be assayed ...	17,76,168
Note.—Value of Silver remaining for Coinage at end of week and appertaining to the Mint Balance ...	59,01,953
Deduct Value of Silver appertaining to the Currency Department ...	56,42,878
NETT ...	2,59,075

CALCUTTA MINT, *The 17th December* 1866. } J. A. BALLARD, *Offg. Mint Master.*

ADVERTISEMENTS.

CACHAR AND ASSAM COMPANY, LIMITED.

The Sixth Ordinary General Meeting of the above Company was held at the Office of the Secretaries on the 24th November, when the Statement of Accounts and Directors' Report for the half-year ending 30th June last were passed as correct.

The Meeting was then made special, and the following resolution proposed and carried unanimously :—

"That this Company be wound up voluntarily and that Messrs. John Elliott and Co. be appointed liquidators for the purpose of winding up the affairs of the Company, under the provisions of the 145th and following Sections of Act X of 1866, and that as such liquidators they be paid for their remuneration 5 per cent. upon the assets realized."

With reference to the above, a Special General Meeting will be held at the Office of the Secretaries on Tuesday, the 11th December, for the purpose of confirming the above resolution.

JOHN ELLIOTT AND CO.,
Secretaries.

THE GREAT EASTERN HOTEL, WINE, AND GENERAL PURVEYING COMPANY "LIMITED."

Notice is hereby given that an Extraordinary General Meeting of the Shareholders of this Company will be held at the registered Office of the Company, Nos. 1, 2, and 3, Old Court House Street, Calcutta, on Friday, the 11th day of January 1867, at three o'clock P. M., for the following purposes, *viz.* :—

To consider the question of the declaration of a dividend for the past half-year left undecided at the Half-yearly Ordinary General Meeting of Shareholders held on the 31st October last.

To repass the resolutions as to the appointment of a Committee of inspection carried at the said Meeting held on 31st October last.

And to transact all such other business as may be brought forward.

By order of the Directors,
DAVID CALDER,
Secretary.

Will be ready next week, price 2 Rupees.

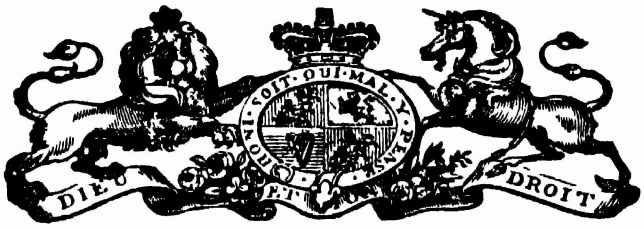
CLASSIFIED LIST
OF
PUBLIC WORKS OFFICERS,

Corrected up to 1st November 1866.

CALCUTTA:
OFFICE OF SUPDT. GOVERNMENT PRINTING,
4, HASTINGS STREET.
1866.

Printed and Published for the GOVT. OF INDIA, *at the Office of* SUPDT. OF GOVT. PRINTING, 4, *Hastings Street, Calcutta.*

No. 45.



SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, DECEMBER 22, 1866.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees four annas if sent by Post.*

No Official Orders or Notifications, the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

GOVERNMENT OF INDIA.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE ACT OF PARLIAMENT 24 & 25 VIC., CAP. 67.

The Council met at Government House on Friday, the 14th December 1866.

PRESENT:

His Excellency the Viceroy and Governor General of India, *presiding*.

His Honour the Lieutenant Governor of Bengal.
The Hon'ble H. Sumner Maine.
The Hon'ble W. Grey.
The Hon'ble G. Noble Taylor.
The Hon'ble Colonel H. M. Durand, C. B.
The Hon'ble H. P. Riddell.
The Hon'ble J. E. L. Brandreth.
The Hon'ble M. J. M. Shaw Stewart.
The Hon'ble C. P. Hobhouse.
The Hon'ble J. Skinner.
The Hon'ble D. Cowie.

The Hon'ble MR. BRANDRETH, the Hon'ble MR. SHAW STEWART, the Hon'ble MR. HOBHOUSE, the Hon'ble MR. SKINNER, and the Hon'ble MR. COWIE took the oath of allegiance, and the oath that they would faithfully discharge the duties of their office.

INDIAN PENAL CODE EXTENSION (STRAITS' SETTLEMENT) BILL.

INDIAN SUCCESSION ACT, 1865, EXTENSION (STRAITS' SETTLEMENT) BILL.

The Hon'ble MR. MAINE introduced the Bill to extend the Indian Penal Code to the Straits' Settlement, and moved that it be referred to a Select Committee, with instructions to report in a fortnight.

He also introduced the Bill to extend the Indian Succession Act, 1865, to the Straits' Settlement, and moved that it be referred to a Select Committee, with instructions to report in a fortnight.

He said that they were two of a series of legislative measures pressed on the Council by the Government of the Straits' Settlement. Two of these measures had been passed by the Council during some formal sittings at Simla, but the present Bills were of too important a character to be passed elsewhere than at Calcutta, though it was possible he might have at some future stage to pass them summarily under a suspension of the Rules for the Conduct of Business. It was not improbable that some further legislative proposals would come from the Straits' Settlement before the sittings ended, and that the Council might be asked to proceed with them at some speed. Under these circumstances, he thought it proper to explain to the Council how these proposals came on them so suddenly, and why it might be necessary to deal with them in an exceptional manner. He must state that very little of Indian legislation had been extended to the Straits, and none of the greater enactments. It was not to be denied that there had been, for long, much repugnance in the Straits' Settlement to its being brought under Indian law. How far the feeling was shared by the general community, he could not say; but if it was so shared, he should be disposed to attribute it to that impression of a diversity of interests which had caused the separation of the Settlement.

from the rest of the Indian Empire. At all events the Judges and the legal profession were unquestionably opposed to the extension of Indian legislation to the Settlement, and the Local Government constantly protested against its inclusion. Thus it resulted that, in the former Legislative Council, the Straits were as a matter of course exempted from the operation of Indian Statutes. More recently, there appeared to have been a change of feeling, and complaints had been received that the Straits were deprived of the benefits of Indian legislation. In this state of things, a Section was added to recent enactments, empowering the Governor of the Straits' Settlement to extend their provisions to the territory under his jurisdiction, though, owing to the non-extension of the Codes of Civil and Criminal Procedure, the judicial and administrative system of the Straits differed so widely from that of India, that the Council could not take upon itself to describe those Courts and Officers by whom the powers given were to be exercised. Still more recently the negotiation between the India and Colonial Offices for the separation of the Straits from India had come to a successful issue, and an Act of Parliament had been passed during the last Session under which the Queen was enabled, by an Order in Council, to declare the time at which the Settlement would become independent. No sooner was this result known than we received from the Straits' Government a series of urgent requests that the Settlement should not be allowed to separate until a large part of Indian legislation had been extended to it. In particular, it was asked that the Penal Code and the Succession Act, which was the first part of the Civil Code, should be made applicable to the Straits. It seemed to him likely that further requests of the same nature would be received.

The Council would probably agree with him that this change of feeling was not a little remarkable; and as this was the first Meeting of the Council, he would propose to contrast the spirit of these applications with that of some criticisms contained in a paper which had possibly been circulated, and which it would be his duty to notice sooner or later. One of the Judges of the High Court of Madras, with whom he had not the advantage of personal acquaintance, but who was reputed to unite the best characteristics of the Barrister and Civilian elements of those tribunals, had remarked as follows on a proposal to extend certain formalities prescribed by the Succession Act to the execution of Wills by Muhammadans and Hindús:—

> In conclusion, I have to express the great reluctance with which I furnish an opinion favouring further legislation. I regard the rapidity with which legislation is now proceeding as a very great evil. If it continues, I do not think that either Judges or practitioners, and still less the public, will know from day to day the law which governs them. Statutes, unless very carefully constructed, do not afford certainty, but doubt; and litigation is not repressed, but aggravated, by every fresh enactment.

Now it would perhaps be sufficient to contrast this passage with the implied criticism of the Judges and Government of the Straits' Settlement. It was not unfair to say that the Settlement wished to retain nothing of India except Indian legislation; but a further reply than that was necessary. If Mr. Holloway's opinion had stood by itself, Mr. Maine would probably not have noticed it, for the truth was that learned lawyers were the natural enemies of legislation, which impaired the completeness and symmetry of their knowledge. But the same feeling had been exhibited in other quarters; and Mr. Maine thought he could not too soon meet the charge of precipitate and excessive legislation on the part of that Council. He did not deny that when the annual Statute-book was looked at by itself, it might be observed with surprise or dismay that the annual production of laws was about thirty. But no just conclusion could be reached unless there were a further examination as to the classes of enactments which the book comprised, and the proportion which one class bore to another. Mr. Maine would divide the Acts of the Indian Legislature into four classes—a division only rough but practically sufficient.

The first of these classes was one of serious importance, and it was probably from vague associations with it that people had begun to speak of dangerous over-legislation. This class consisted of enactments affecting the civil usages or religious opinions of the people of the country. There could hardly be any censure too heavy for the Council if it really did pass such measures with incaution and precipitancy. He did not acquiesce in that interpretation which had been sometimes put on the proclamation issued by the Queen on assuming the direct Government of the country, and which apparently pledged Her Majesty to surrender the power which was the sole moral justification for our being in the country at all—power to improve its institutions—but he fully admitted that it would be the worst policy to pass measures of this class without the maturest consideration and the most scrupulous regard for the feelings of the people. But how did the facts really stand? Since Mr. Maine had been in India, that was four years, he could only remember two measures which could distantly be described as disturbing or affecting Native custom or Native religious opinion. One was the Native Christian Marriage Dissolution Act passed last Session, the other was the Registration Act. The latter was much more serious than the former, inasmuch as it added a formality to the majority of civil transactions, penetrating into every corner of Native life. He was not going to defend those measures, but he wished to call attention to the duration of the discussion on them. Proposals for registration had been before the Government for thirty-six years, and the Bill itself for six and a half years before the Council. Again, the principle of the Converts' Dissolution of Marriage Act had probably been discussed ever since there had been Missionaries in India. But the proposal ultimately adopted was under active discussion for thirty-two years, and the Bill itself was two years under the consideration of the Legislature. He would mention one other enactment which might possibly be supposed to come under the class as affecting a portion of the community not numerically large, but of great importance. This was the Act erroneously called the Act for abolishing Grand Juries, but more properly entitled an Act for enabling Europeans to be tried elsewhere than in the Presidency towns. It was founded on a Report of the Indian Law Commissioners, dated in 1853, and the Bill passed in 1865, so that the subject had been twelve years under discussion. In admitting, therefore, that the Council would be censurable if it passed enactments of this class without the fullest deliberation, he was bound to state what the facts were, that the class consisted

of only three measures discussed during an average period of four and twenty years.

The second of the classes into which he divided Indian legislation was intended to bring up law which was common to England and India to the pitch of improvement which it had reached at home. He could remember but four enactments of the sort passed of late years. The two Trustee Acts recently passed at Simla, the Mercantile Law Amendment Act, and the Indian Companies' Act. Nobody, he supposed, would charge the English Parliament with precipitate legislation, and certainly the immediate framers of the two Acts first mentioned—Lord St. Leonards, and Lord Justice Turner—could not be accused of feverish zeal for reform. The truth was that the Indian Legislature had, in enactments of this class, lagged far behind the English Parliament, and one measure in particular—The Indian Companies' Act—had barely been passed in time, as recent occurrences in Bombay had abundantly proved.

Mr. Maine now approached the third class—of an importance which it was hardly possible to over-estimate—the Codes. Three of them were passed by the former Legislative Council—the Penal Code and the Codes of Civil and Criminal Procedure. This Council had as yet passed but one single chapter of the fourth Code—the Succession Act—but he might mention that one enactment—the Partnership Amendment Act—was in reality part of the Civil Code. Mr. Maine had stated at the time, that the law was in anticipation of the Code, and this was proved, for the Act was embodied in the Draft Code of the Law of Contracts which the Indian Law Commission had just sent out. The responsibility for the Codes was shared between this Council and the Indian Law Commissioners. The Commissioners sent out the first draft, and, in the case at all events of the Indian Civil Code, it had been accepted by the Council with but slight alteration. He wished, however, not to put off the responsibility on other persons, but to meet the objection that the Codes added to the law and rendered it unintelligible to the people. Mr. Maine ventured to lay down exactly the opposite proposition; the Codes enormously reduced the bulk of the law, and rendered it for the first time intelligible to the people. He would not enter into the general question of codification. His own observation showed him that the vulgar prejudice against codification had greatly decayed in England, and had given way to deep regret that the characteristics of English law were such as to render it, if not impossible, at all events enormously difficult to reduce it to a Code. But the question for the Council was, how far had the Indian Codes rendered law unintelligible or bulky in India? Mr. Maine did not himself recollect the state of the law in India before the three Codes which were already law. But there were gentlemen in the Council who perhaps had administered that law either as Judges or as Magistrates. He should be surprised if they did not bear out his impression, which of course rested on hearsay, that nothing could exceed its uncertainty, confusion, and intricacy. It was true that the Codes of the Non-Regulation Provinces, which were descended from the Punjab Code, were greatly simpler. But being clothed in half-popular language, they had a natural tendency to become overlaid with glosses and interpretations. When the last of them, the Civil Procedure of the Punjab, was superseded the other day by the Code, it was not too much to say that it consisted of a mountain of Circulars. But now, looking to the Civil Code, with which alone the Council was concerned, would it, by passing the chapters of the Code at the rate of about one in two years, lay itself open to the imputation of increasing the massiveness or the unintelligibility of the law? What was the Civil law of India at this moment, apart from the religious law, which included the law of intestate succession, and which the Code did not propose to touch, and apart from the law of land, which stood on a footing of its own? It consisted, in the first place, of Native usages, which differed not only from province to province, but from district to district and from family to family. It consisted, further, of the writings of Hindú and Muhammadan jurists, so vague from the confusion of ethical with legal rules, that it was hardly possible to extract a trustworthy conclusion, or, what was worse, that it was possible to extract two conflicting conclusions, each equally trustworthy with the other. There were, further, the old Regulations, which were certainly not remarkable for precision of language, and there were, further, a few principles—few, that was to say, as compared with the whole mass of legal principles—decided by the late Supreme and Sudder Courts, and by the Privy Council. There were great chapters of law on which, in India, there was no indigenous system of rules of any sort. Contract, for example, was utterly unregulated, except by some small portion of Muhammadan jurisprudence. Now, was that state of things satisfactory? No doubt, the answer of some persons would be, that if the people were contented, it was no business of the Government or the Council. But the truth was there was an influence in India which tended to simplify this confusion. That was the influence of English law, not as modified by the Codes, but of English law pure and simple. It was all very well in theory to say that an Indian Mofussil Judge decided by Native usage, "equity and good conscience;" but in practice, if he did anything of the kind, his reputation would suffer. The Court which revised his decision would insist upon his applying a stricter rule than could be got out of equity and good conscience, and the rule applied would be one mediately or immediately derived from English law. Now was that a process which an English Government, conscious of its own responsibilities, could allow to go on without check? Mr. Maine was not likely to say any evil of English law; but it was certainly one of the most difficult systems of law in the world, and its compass was enormous. Its *corpus juris* was a law-library of a thousand volumes. How many law-libraries were there in India? Probably twenty at the outside. But could there be conceived a more intolerable hardship than that 150 millions of people should have their civil rights dependent on a system contained in records which were inaccessible to them, which they could not translate, and which, if they could translate, they could not understand. Some persons answered that this was immaterial so long as there was a learned profession competent to expound the law, and urged that in England no one except a professional man understood the law, or would act without the advice of legal practitioners. That was true, but

it was a peculiarity of England, and not an honourable one, and not one which Englishmen should carry all over the world with them. At the same time, in England there was a legal profession spread over the country, from whom a trustworthy opinion could always be obtained. But how many persons were there in India who, considering the invasion of the country by English law, could give such a opinion? Probably outside the Presidency towns, they could be counted on one's fingers. It seemed to him, therefore, a matter of simple duty to the people that the labours of the Indian Law Commissioners should proceed. The only possible remedy for the state of things he had described was a Code which, without going overmuch into detail, should set forth fundamental principles with as much simplicity as was compatible with accuracy. Such a Code would perfectly well fit in with Native usage when it was wholesome; nor was there any fear that English law, characterised as it was by good sense and logical coherence, would fail to supply the greatest part of the material.

The fourth and last class was the most numerous of all. Probably it was by not noticing the proportion which this class bore to the rest of the enactments that people had obtained the impression of excessive legislation. It would have to be remembered that this Council was not simply the Imperial Legislature, but the Local Legislature for all Provinces which had not got Councils of their own. From Lower Bengal, Madras and Bombay, there were hardly any applications for legislation at all. The few Bills that came from those Provinces were necessitated by a technical difficulty, namely, that by the Letters Patent of the High Courts, the Local Councils were prohibited from interfering with the jurisdiction of those tribunals. But from those Provinces which had no Legislatures of their own, there was a constant stream of applications for legislative enactments. Now what was the character of those enactments? They were merely Local Bills. They did not create rights or obligations. They merely affected the machinery by which rights were protected or declared. They simply carried out small judicial or administrative improvements. The fact was that the country was passing from an administrative to a legal condition, from a state in which good government depended on the energy of individuals, into a state in which it depended on adherence to well considered rules. There were some, Mr. Maine knew, who looked on the process as wholly evil. The farther you got from Calcutta, the more you heard the complaint that law was paralysing administration. All that could be said in reply was that the change was inevitable. Energetic administration in the ruder provinces produced wealth, security, and comfort, and the infallible result was a wish to have rights of enjoying property regulated by fixed law, and a disinclination to allow those rights to vary with the varying theories of successive administrators. Mr. Maine thought he understood what was meant by the assertion that law paralysed administration. But certainly the last person to object to the fruits of the change should be a Judge of a High Court, because the moving cause was undoubtedly a growing taste for legality, fostered, probably, by the strengthening of the higher tribunals and particularly of the High Courts. There were examples of the change and of the demand which it had produced in the legislation submitted to the Council. There was an example in the Hon'ble Mr. Brandreth's Bill for establishing Municipal Committees in the Punjab. There was a practice existing which the Local Government held to be healthy, useful, and convenient. Suddenly some ingenious person discovered that it rested on no legal foundation. Thereupon the Local Government came to the Council for a Bill to legalize it. Or take the converse case, in the Bill for the suppression of gambling, of which the Hon'ble Mr. Riddell was in charge. The Local Government had had its attention drawn to the prevalence of public gambling in large cities as productive of all evil. Now, did any body suppose that, thirty years ago, if a person in the position of the Lieutenant Governor of the North-Western Provinces or the Chief Commissioner of British Burmah had made up his mind that public gambling was productive of crime, he would have come for a Bill to this Council? Why, he would have told his police to put it down, or issued his orders to the District Officer. But now-a-days, quite reasonably and properly, he came to us for a Bill. These Bills, providing for small judicial or administrative changes, were and must be constantly required. When such a measure was strongly recommended by the Local Government, Mr. Maine held that this Council would be heavily responsible if it declined legislation. At all events the executive Government would be censurable if it did not submit to the Council a Bill to legalize the change. It would be the merest pedantry to stereotype legislation of this sort. In a country in which those who knew most of a people knew little of them, our system of Government must necessarily be tentative, and small administrative improvements must be from time to time required and conceded. If it were true that there was too superstitious a regard for legality, the proper remedy was an active legislation. For these reasons Mr. Maine considered that this class of Local Bills could never fall off very much in number, and it was further inevitable that they should constantly take the form of Bills amending Bills, not because the hand or mind of the legislator was uncertain, but because the material of policy upon which he worked was from its very nature shifting. Mr. Maine hoped that every Bill submitted to the Council at these sittings would be found not only justifiable but incapable of postponement. He himself would be personally glad if the spell of an annual sitting, except for financial measures, could be broken; but he trusted it would be seen that no one of the measures now proposed for consideration could have been put aside or delayed without injury to good government.

As regarded the particular Bills before the Council, the first of them merely proposed to extend the Penal Code to the Straits. A short Bill, separately before the Council, provided for certain consequences arising from the definition of the word "offence" in the Penal Code. That Bill had been embodied in the second Section of this measure. Some papers had come in, which suggested still further change in the same direction, but he trusted the discussion on those points would be taken on the separate Bill, and not on the measure now submitted.

As regarded the Bill to extend the Succession Act to the Straits' Settlement, it was another of

the class of Bills which had been asked for by the Local Government. The Bill proposed to extend the Act, but with two important modifications. Here in India the operation of the Act was excluded in the case of the Hindús, Muhammadans and Buddhists: the result was that it affected a comparatively small class of the community, and its great importance was the indirect effect that it would be sure to have on the Native law of succession. The Local Government wished the Act to be made the *lex loci*, without distinction of race or creed; but the Straits' Settlement was a community of an omnigenous character, and if the Succession Act was to be applied, provision would have to be made for two matters. First, as in the case of many primitive races, a part of the population practised adoption. The Bill accordingly provided that, for the purposes of intestate and testamentary succession, an adopted son should be considered a legitimate child of his adoptive and not of his natural father. The provision was so far in accordance with the Hindú law, but omitted the inequitable rule, that in case of a son being born to the adoptive father subsequently to the adoption, the share of the adopted son should be only one-fourth of that of the natural-born son. Secondly, there were many persons in the Straits whose marriage-law permitted a plurality of wives. It would be absurd to apply to such persons the rule that marriage should operate as a revocation of a will. The Bill accordingly provided that, in the case of a polygamist, his will should not be revoked merely by his marriage. Provision was also made for the case of his dying intestate and leaving several widows.

The Motions were severally put and agreed to.

PUNJÁB MUNICIPAL BILL.

The Hon'ble MR. BRANDRETH, in moving for leave to introduce a Bill to provide for the appointment and maintenance of Municipal Committees in the Punjáb, said that the effect of the Bill in most towns would be to give a legal status to the municipal committees which had already been appointed. During the earlier years of our possession of the Punjáb, and until within a very short period, the district officer alone initiated and carried out all plans for the conservancy and the improvement of towns. The head quarters' town was generally well cared for; but the more distant places did not receive so much of his attention. Therefore it was that the late Lieutenant Governor of the Punjab, Sir Robert Montgomery, about three or four years ago, determined on introducing municipal committees in almost all the principal inhabited places in the Punjáb. He wished to give the people a more direct interest in matters that so nearly concerned them as the cleanliness and improvement of the places where they were passing their lives, than they could have felt under the former system. He directed that these committees should be appointed by the people themselves. MR. BRANDRETH thought there could be no question that these measures had been attended with considerable success. Useful tanks and wells had been dug; efficient conservancy establishments had been entertained, and very many important improvements had been effected. To some towns he could point, in which river-encroachments had been prevented, swamps drained, and the safety and health of the towns entirely secured by the measures taken by the local committees. The municipal funds were raised by town-dues, fixed at such rates and levied on such commodities as the committees decided. These municipal committees had, however, no legally recognized existence. The taxes they levied, they had no legal right to levy. The townspeople had hitherto paid them in consequence of the good understanding subsisting between them and their committees; and with regard to the few defaulters who had been brought into Court, though it was probably owing to their ignorance, he had never heard of their ever having pleaded that the arrears demanded of them were not legally due. But it could not be expected that this patriarchal state of things should last. The Lieutenant Governor had applied for legislation on the subject, and he (MR. BRANDRETH) thought that he had been well advised in so doing. There was no question that some law ought to be passed. The Civil Procedure Code had recently been introduced into the Punjáb. It would be followed by a whole army of pleaders, whether for good or for evil to the country, remained to be seen. There was no doubt, however, that they would advise defaulters to resist all taxes not clearly in accordance with the law.

The Bill which he proposed would be a short one. It would contain but few rules; it would rather prescribe certain limits within which the Lieutenant Governor might lay down all necessary rules for the efficient working of the existing municipal committees in the Punjáb. MR. BRANDRETH thought there could be no doubt that the Lieutenant Governor ought to have an almost exclusive control over these committees. The Bill would also provide for the continuance of the town-dues, but only where the consent of the people was obtained; where the majority of the inhabitants of all classes were shown clearly to wish for town-duties in preference to either a house or personal assessment, which were the only other modes of assessment that could conveniently be recommended.

He was aware that considerable objections might be urged to these town-duties. It was certain that the course of trade was inconvenienced by them to an appreciable extent, and he knew of some places in which taxes had been introduced without the consent of the people. But this mode of taxation had been in existence for several years. It was on the whole popular with the people, and he should regret very much to see it put a stop to by law.

He had looked at two important Acts passed for the improvement of towns in Madras and Bengal; but he did not think it advisable to apply the elaborate provisions of those Acts to the Punjáb, as they might only lead to misunderstanding among the people. Where there was a European element and European ideas on the subject of self-government, a committee would no doubt feel a strong objection to the power of minute control with which it was proposed to invest the Government by this Bill, but these committees had no such feeling, and would probably be all the better pleased, on account of the interest the Government would manifest in their affairs by its interference.

The Bill that he proposed was based mainly on the suggestions received from the committee which had been appointed by the Lieutenant Governor

of the Punjáb to consider the matter, and he (MR. BRANDRETH) had added and altered a few things such as his own experience had suggested.

He must not omit to allude to Act XXVI of 1850, the existing Municipal Act, which the Lieutenant Governor had power to introduce into the towns of the Punjáb. This Act seemed to him (MR. BRANDRETH) to contain a tedious and unnecessary process for ascertaining whether the communities should have committees or not. It appeared to him that, if it was admitted that the management of towns could best be conducted by committees, it should not be necessary to ask the consent of the people on that point, while on another and much more important point, as to what mode of taxation the people would least object to, the Act contained no facilities for ascertaining the wishes of the people. This Act (XXVI of 1850) moreover made no provision for the Police appointed by the Lieutenant Governor under Act V of 1861, and it left the Lieutenant Governor too little control over the proceedings of the committees in the numerous small towns in which they were appointed. He thought that these infant corporations should be closely watched by Government. Not that the Government should be perpetually interfering with them, but that it should have the power of control wherever it might be necessary. He knew four or five places where Act XXVI of 1850 had been introduced. The committees there were composed either entirely or in part of Europeans. They enjoyed a more independent position under this Act, with which the Lieutenant Governor might not wish to interfere, if they had hitherto done their work to the satisfaction of Government. The Lieutenant Governor would be able to exempt any of these places from the complete operation of the present Bill; but he would be able, by extending any one or more of its provisions only, to supply actual deficiencies in Act XXVI, such for instance as the provision for the new Police.

The Motion was put and agreed to.

THE INDIAN SHIPPING BILL, 1867.

The Hon'ble MR. SHAW STEWART introduced the Bill to consolidate and amend the law relating to Merchant Ships, Seamen and Passengers by Sea, and moved that it be referred to a Select Committee, with instructions to report in six weeks. He said that the Bill had, with His Excellency's permission, been published in the *Gazette of India* on the 6th, 13th and 20th October last. It was found absolutely necessary to amend the law in one or two important points, and the opportunity was taken of examining the existing legislation on these subjects and consolidating these laws into a single Act.

The law was most inconveniently scattered over nine Acts, passed at various times from 1838 to 1863. Three Acts related to the mode in which ships belonging to Indian ports could by registration acquire all the privileges of British ships. Three Acts provided for the discipline and protection of Merchant Seamen, and three for the protection and comfort of Native passengers, especially pilgrims to the Red Sea and Persian Gulf. In all, there were nine Acts of the Government of India, besides several local Acts of the local legislatures, which would be consolidated in this Bill. It was very necessary that, in consolidating so many Acts passed at such different times and for such varying objects, great care should be taken to ensure accuracy and prevent discrepancies, but he thought the Bill when passed would be a great convenience to the masters and owners of ships and to the public generally.

The amendments specially provided in the Bill, as published, were explained in the Statement of Objects and Reasons. The one was to enable the Courts which had now power to investigate charges of incompetency against masters whose certificates were given by the Board of Trade, to enquire into similar cases against masters certificated by the Indian Governments; and the other was to enable the Local Government within whose jurisdiction a vessel had arrived, to exercise the same jurisdiction in ordinary investigations into such charges, as was now exercised by the Local Government from whom the master had obtained his certificate. These defects were of great importance, and, unless remedied, would seriously interfere with the execution of the law.

Besides these two points, many suggestions had, since the publication of the Bill, been received from different parts of India, which would all be considered in Committee. The most important of these, he (MR. SHAW STEWART) would shortly describe.

It had been pointed out that power should be given to the Local Governments to remove wrecks on the coasts of India, beyond the limits of harbours and ports, when those wrecks tended to endanger or obstruct the navigation. Government had the power to do this as regarded wrecks within the limits of ports, but it was proposed to enable them to exercise the same power in all cases where it was necessary.

It was proposed to empower distant officers, like the Resident in the Persian Gulf or the Resident at Aden, to exercise the same power of appointing a Board to investigate wrecks or accidents at sea, that was now exercised by the Local Governments. This would prevent much inconvenience and delay. The power of issuing orders on the reports of these Boards of enquiry would, as now, be restricted to the Local Governments.

Regulations for the periodical survey of coasting steamers had been passed by the Governments of Bombay and Bengal, which it was proposed to amalgamate with this Bill.

A very important point had been raised with regard to the English Merchant Shipping Act of 1854, which appeared to define the duties of a Shipping Master to include the exercise of his discretion in sanctioning the discharge of seamen, even in cases where the master and seamen mutually consented. It had always been held that the Shipping Master ought not to sanction such discharge unless satisfied that the seamen would be provided with a passage home, or with other employment. But by a recent ruling of the High Court of Bengal, it had been held that the Shipping Master had no option but to sanction all discharges when both parties agreed in his presence. The result would be that the country would be flooded with unemployed seamen. He (MR. SHAW STEWART) believed a reference had been made to England, and that the Act would be modified if necessary; but in the mean time it was proposed to in-

sert a Section in this Bill, by which the duties of Indian Shipping Masters would be clearly defined.

Another important defect had been pointed out. The present Act prescribed twelve weeks' imprisonment to any seaman assaulting the master of his ship—the same amount of punishment as was prescribed by the Penal Code for common assault. There seemed no question that an assault committed by a seaman on his master, partook of the nature of mutiny and ought to be more severely punished.

The President of the Bombay Sanitary Commission had made several suggestions for improving the regulations in the Act that affected the comfort of Native passengers to the Red Sea and Persian Gulf. MR. SHAW STEWART thought we ought to do as much as we possibly could for securing the health and comfort of these pilgrims, but at the same time we need not attempt too much, or we should run the risk of failure by not being able to provide a machinery to carry out the control we aimed at.

There were several other minor points that would be considered by the Committee and which he would not refer to at present,

By the passing of this Bill not less than thirteen Acts of the Government of India and Local Governments would be removed from the Statute-book, and consolidated into one single enactment.

The Motion was put and agreed to.

GANGES TOLLS' BILL.

The Hon'ble MR. RIDDELL introduced the Bill to authorize the levy of Tolls for the improvement of the navigation of the Ganges, and moved that it be referred to a Select Committee, with instructions to report in a fortnight. He said that this Bill was one of those which the Hon'ble MR. MAINE had referred to. It was a Local Bill for a local purpose, which, if the Lieutenant Governor of the North-Western Provinces had power to legislate, it would not be necessary for this Council to consider. For many years past, a small sum had been allowed by the Government of India for the improvement of the channel of the Ganges between Allahabad and Seenah. The sum hitherto so allowed was Rs. 20,000 per annum, the greater part of which went to defray the cost of the necessary establishment and superintendence, and a very small portion of it was expended in the erection of *Bándhals*, put into sand-banks to force the current into a defined channel. This small sum, he believed, had been very well expended, and some good had been done. But it was now intended to carry out works of a more extensive character, to organize a pilot service and survey establishment, and also to employ a powerful steam-dredge, so as to deepen the channel and open the navigation of the river between Dinapore and Allahabad. One of the Captains of a river steam boat had mentioned that the passage between Belaspore and Gohareah occupied at present a fortnight; whereas if the channel were free from difficulties, it would take only one day. He (MR. RIDDELL) thought that this was quite sufficient to justify the measure, by which it was proposed that a toll should be levied so as to provide funds for the permanent improvement of the navigation of the part of the Ganges between Allahabad and Dinapore.

The Motion was put and agreed to.

ADMINISTRATOR GENERAL'S BILL.

The Hon'ble MR. HOBHOUSE introduced the Bill to consolidate and amend the law relating to the office and duties of Administrator General, and moved that it be referred to a Select Committee, with instructions to report in six weeks. He said that the Bill itself was so almost entirely a matter of consolidation that he thought it would be only necessary on this occasion to refer to two or three clauses of it. The first clause to which he would call the attention of the Council was Section 14. As he understood the present state of the law, it was this. The Administrator General could, he believed, in the Presidency of Bombay, collect assets belonging to the estates of certain deceased persons, not being Muhammadans or Hindús, anywhere throughout that Presidency. In the Presidencies of Madras and Bengal, that, he believed, was not quite the case. In certain territories adjacent to the Presidency of Madras, such as, he believed, the Provinces of Mysore and Coorg, the Administrator General could not legally collect the assets of estates. So also in the Presidency of Bengal, it was a question whether the Administrator General could collect assets in the Punjáb, the Central Provinces, and British Burmah, perhaps Oudh also. It was certain he could not now go into the North-Western Provinces for that purpose. Until recently the Administrator General of Bengal had the power to collect assets in those Provinces, but since the establishment of the High Court at Agra he could not do so. What he (MR. HOBHOUSE) understood was the practice in the Punjáb and Central Provinces to which he had alluded, was this. The Administrator General of Bengal, on the occurrence of a death, applied to the different local judicial officers, who then collected and sold the assets, and remitted the proceeds to his office in Calcutta, where he then administered them. It seemed to MR. HOBHOUSE that the Administrators General should legally have that power which they had in practice before, because there could be no doubt in his mind that the office of Administrator General should be maintained for the benefit of the public. Ordinarily an administrator had no knowledge of the law; he was liable to make mistakes, and might also misappropriate assets. In the case of the Administrator General, he had a thorough knowledge of the law from his position and from his profession, and he also was a person who had an office habituated to administer to estates, and who gave security to a large amount for the proper management of the estates which came into his hands. Under these circumstances Section 14 of the Bill provided that the High Court in every Presidency Town should be a competent Court within the meaning of Sections 187 and 190 of the Indian Succession Act, wheresoever within the Presidency the assets might be situate; *i. e.*, that each of the Administrators General of the different Presidencies should have power to collect assets everywhere within his Presidency.

The next point to which he would ask the attention of the Council was Section 30. This Section was a permissive Section. He was told

that it often happened that persons who took out administration, from want of knowledge of the law or on leaving the country, could not administer to the estates. The rule 'once an administrator always an administrator' prevented the Administrator General from taking over the interest of the administrator, and the consequence was that great inconvenience was suffered by all parties concerned. It seemed to him (MR. HOBHOUSE), that the Administrator General was a person who ought to have the power to replace a legal representative under the circumstances referred to. The private administrator would of course remain liable for acts or omissions previous to the transfer, and the Administrator General would be liable for subsequent acts and omissions.

The next Section, and it would be the last point to which he would call the attention of the Council, was Section 33. As he understood it, the law now was that the Administrator General might be sued in any District by any claimant upon the estate for which the Administrator General had taken out letters of administration. And there existed no means in the Mofussil of instituting an administration suit and thus staying the plaintiff's proceedings. Now if the Administrator General were to continue to be liable, like any one else, to be sued in any number of Districts in the Presidency, no doubt the estates in his charge would be put to a very great and unnecessary expense. Therefore, this clause provided that, if a suit should be brought against the Administrator General in a Mofussil Court, then, unless the plaintiff should have previously applied to the Administrator General in writing, supporting his claim by the requisite evidence, he should not be entitled either to the costs of the suit or to have the decree enforced.

There was no other clause of the Bill, which was after all a consolidation Act, to which it was necessary to call the attention of the Council.

The Motion was put and agreed to.

INDIAN RAILWAYS' ACT AMENDMENT BILL.

The Hon'ble MR. TAYLOR moved that the Select Committee on the Bill to amend Act No. XVIII of 1854 (relating to Railways in India) be re-constituted, and that the Hon'ble Colonel Durand and the Hon'ble Mr. Riddell be added thereto.

The Motion was put and agreed to.

The following Select Committees were named:—

On the Bill to extend the Indian Penal Code to the Straits' Settlement—The Hon'ble Messrs. Brandreth, Shaw Stewart and Hobhouse, and the Mover.

On the Bill to extend the Indian Succession Act, 1865, to the Straits' Settlement—The Hon'ble Messrs. Brandreth, Shaw Stewart and Hobhouse and the Mover.

On the Bill to consolidate and amend the law relating to Merchant Ships, Seamen and Passengers by Sea—The Hon'ble Messrs. Maine, Riddell, Hobhouse, Skinner, Cowie and the Mover.

On the Bill to authorize the levy of Tolls for the improvement of the navigation of the Ganges—The Hon'ble Messrs. Maine, Hobhouse, Skinner, Cowie and the Mover.

On the Bill to consolidate and amend the law relating to the office and duties of Administrator General—The Hon'ble Messrs. Maine, Riddell, Skinner and the Mover.

On the Bill to amend Act No. XVIII of 1854 (relating to Railways in India)—His Honour the Lieutenant Governor, the Hon'ble Mr. Maine, the Hon'ble Colonel Durand, the Hon'ble Mr. Riddell and the Mover.

The Council adjourned till the 21st December.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India.
Home Dept. (Legislative.)

CALCUTTA,
The 14th December 1866.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

DISTRIBUTION OF COTTON SEED IN BOMBAY FOR THE SOWING SEASON OF 1866.

Extract from the Proceedings of the Government of Bombay in the Revenue Department,—No. 4239, dated 19th November 1866.

Read the following letter from W. WALTON, ESQ., in charge Office of Cotton Commr., to Chief Secy. to H. M.'s Govt., Bombay,—No. 1180, dated 20th October 1866.

I have the honor to submit the usual Annual Report on the distribution of Cotton Seed by this Department for the sowing season of the year 1866.

2. The accompanying Statement shows in complete detail the quantities and descriptions of seed that have been issued, and the places to which it has been sent.

3. The list shows thirty recipients of seed against thirty-two of the preceding year.

4. It will be observed, however, that in 1865 only "Dharwar acclimatized New Orleans seed" was supplied, whilst in the year under review cotton seed of no less than nine descriptions—exotic, indigenous, and acclimatized—has been issued to requisitionists from almost all parts of India.

5. I will now proceed to submit short remarks on each of the descriptions of cotton enumerated.

New Orleans American.

6. Of this valuable cotton upwards of seven and a half tons of seed have been distributed: the supply, however, by no means gives any idea of the demand. If I could have got it in time, I could have issued upwards of *two hundred tons*: the demand was unprecedentedly large, but unfortunately the Cotton Supply Association could

only send out the limited supply that has been issued. The receipt of this quantity is mainly due to the very courteous and prompt assistance afforded me by Messrs. Peel Cassels and Co., the Bombay Honorary Agents of the Cotton Supply Association.

7. It will be observed that the greater part of the seed distributed has been issued in the Dharwar Districts, where the cultivation of New Orleans cotton has taken so firm a hold as to have become one of the most important of the regular products of the country.

8. Unfortunately, the seed of New Orleans cotton grown in the Zillah has now got a considerable admixture of indigenous cotton seed: the large distribution of fresh American seed that has taken place this year, together with the careful and comprehensive arrangements that were made for sowing pure acclimatized seed, will, it is confidently expected, make a marked improvement in the season's crop, and a *judicious* supervision of the Cotton Frauds Officers should prevent any falling off taking place hereafter. I should here observe that the demand for new pure seed has been considerably augmented by the vigilance of the Cotton Inspector and his subordinates in prosecuting cases under Act IX of 1863.

9. By a correspondence I have lately had with Dr. Henderson, the Secretary of the Agri-Horticultural Society at Lahore, I was surprised to find that New Orleans cotton has been grown in the Punjab for many years.

10. As this is not generally known, I will subscribe what the Secretary writes to me on the subject. Dr. Henderson observes—"Four years ago I brought to notice a fact not generally known, and which is still hardly believed here, viz., that New Orleans cotton has been grown in the Punjab in the district of Shahpoor for fifty years at least, and is as good as any I have seen from imported seed. Three years ago I offered to supply it in any quantity, but the Financial Commissioner had then ordered a supply of imported seed. The Zemindars only grow this cotton for home use, as they get the same price for good as for bad cotton."

11. It would seem to be worth enquiring whether this cotton has deteriorated much or not, as if it at all approaches the quality of Dharwar acclimatized New Orleans cotton, it will be infinitely more profitable to the people of the Punjab to cultivate and send it to Kurrachee for shipment, instead of the comparatively worthless stuff that now annually comes down the Indus in such large quantities.

12. Dr. Henderson's last observation seems to call for remark. It must be a strange state of trade which gives the same price for bad as for good staple. If there are Zemindars in the Punjab willing to raise superior cotton, there are doubtless Merchants in Kurrachee, if not in the Punjab, perfectly ready to give the enhanced price that their produce should get for its superiority over the indigenous cotton of the country.

13. The importance of the matter has received the attention of the Government of the Punjab. They took up the subject last year, and distributed nearly 200 maunds of Dharwar acclimatized New Orleans seed supplied by this Department.

Dharwar New Orleans.

14. Of this seed upwards of twenty and a half tons have been distributed during the season under review against over thirty-nine tons in the preceding year.

15. This fall off is mainly accounted for by the fact that in 1865 the North-West Provinces and the Nuggur Division of Mysore got the very large supplies of 1,002 and 1,618 maunds respectively.

16. The produce from such large supplies would, it might have been expected, have been sufficient to meet any demand that could arise in those districts for this description of seed.

17. Such, however, is not the case. Dharwar American cotton has apparently been so successful in the North-West Provinces that a further supply of *twenty tons* was called for this year.

18. This supply was carefully selected from the very best Dharwar seed, and I trust the result will be that New Orleans cotton will permanently become a profitable and successful product of the North-West Provinces.

19. I learn that the seed distributed in the Nuggur Division of Mysore has been successful, and I have now by me a sample of the produce that will bear fair comparison with the best Dharwar New Orleans cotton.

20. The Nuggur Division of Mysore adjoins the Dharwar Zillah, and the introduction of the seed was all that was required.

21. The cultivation has been largely established, and the Nuggur Ryots now get large supplies of fresh seed from their neighbours of the Dharwar districts.

22. In the Dharwar Zillah ample arrangements have been made for sowing pure seed. These are alluded to in my above 8th paragraph, and the mode of procedure was formed on the plan that Dr. Forbes found so successful last year in improving the cotton cultivation of the Bunkapoor District.

Peruvian Exotic.

23. Of this cotton eight hundredweights have been distributed, the principal part of which goes to the Khandeish Zillah and the Punch Mahals.

24. In the former district we have a Collector (Mr. Ashburner) whose name, in connection with the improvement of cotton cultivation, is a sufficient guarantee that the experiment will have a fair trial. In the Punch Mahals too (where four hundredweights of this seed have been sent), I trust the trial will prove satisfactory. Mr. Proport, the Agent of His Excellency the Governor, wrote me that the Conservator of Forests informed him that he considered Peruvian cotton the best for the soil and climate of the Punch Mahals.

Dharwar Acclimatized Peruvian.

25. I regret that so little of this seed (8¾ lbs.) has been distributed. The cotton was grown on

the grounds of the Dharwar Jail, and is of a most superior quality. The yield was large, and the expense of cultivation very small. I sent a sample of the staple to the Bombay Chamber of Commerce, and they pronounced the cotton to be equal in quality to the best sample of Dharwar American cotton.

26. I have personally tried exotic Peruvian cotton and the Dharwar acclimatized Peruvian seed during this season, and the result is such as not to allow of a comparison. The plants that have germinated from the acclimatized seed are infinitely superior in every respect to those produced from the imported exotic.

27. I have already represented these matters to Government, and I trust that the orders issued in Resolution (Revenue Department) No. 3605, dated 9th instant, paragraphs 3, 4 and 5, will have the desired effect of increasing experiments with *acclimatized,* in preference to *exotic,* seed.

Egyptian Exotic Cotton.

28. Upwards of a ton and a half of this seed have been issued: the greater part of this (thirteen hundredweights) has been sent to the Honorable Rustomjee Jamsetjee Jeejeebhoy for planting on a very extensive estate belonging to that gentleman in the Goa territory.

29. Mr. Rustomjee's experiments are, I am told, very extensive, and under the skilled supervision of a European gardener. I trust to be able to visit Colem, where the experiments are going on, before this year's crop is gathered. The result of the experiment is important, as, should Egyptian cotton prove to be a paying crop in the Goa territory, I see no reason why it should not be extended into suitable portions of our Coast Zillahs.

Mysore Acclimatized Egyptian.

30. Of this seed a little over one and a half hundredweights have been supplied.

31. The greater part of this was also sent to Mr. Rustomjee, who will thus have the opportunity of having a fair trial between fresh exotic and partly acclimatized seed.

Sea Island Cotton.

32. Of this seed nearly two hundredweights are distributed. By far the greater part was sent to the Collector of Khandeish. It would financially be a fortunate result if this cotton could be successfully acclimatized in any part of India, as its value is so very high. When New Orleans cotton is *twenty* pence a pound in the Manchester market, Sea Island is worth at least *thirty-four* pence per pound.

Berar Indigenous Cotton.

33. Of this only twenty-five pounds were issued to the Inspector-in-Chief of Cotton, and I do not know where Colonel Walker intended it for. The description has succeeded, as Government are aware, in the Khandeish Zillah, and further experiments are advisable in those districts where the cotton indigenous to the country is inferior to the Berar variety.

Dharwar Indigenous Cotton.

34. This staple, under the name "Compta," is a good variety of Indian cotton, and has a very fair name in the English market.

35. A little over one hundredweight has been distributed principally to districts where the local variety of cotton is inferior to the Dharwar indigenous. In such places the experiment, if successful, will no doubt prove beneficial.

Departmental Experiments.

36. During the year under review, Her Majesty's Principal Secretary of State for India has sent out a practical gardener to assist this Department in improving cotton cultivation.

37. On Mr. Shearer's arrival, I submitted my views to Government as to how that Officer's time would be most profitably employed, and Government were pleased to approve of my suggestions by issuing orders No. 2863 of the 8th August last.

38. I am happy to report that Mr. Shearer's conduct has always been entirely satisfactory, and, as well as can be judged, so far the selection of this Officer for the particular and delicate duty for which he has been sent would appear to have been a most judicious one.

39. I trust that by next season Mr. Shearer will be sufficiently advanced in his knowledge of the country, &c., to actively undertake the special duties for which he has been appointed by Government.

40. Under the circumstances above reported, no departmental sowing operations have been carried on. I have, however, undertaken some private experiments, which I find of considerable departmental benefit in showing the best way in which to undertake larger operations.

41. I would here take the opportunity of pointing out how many experiments fail from condemnations being recorded on the results of *imported exotic seed.*

42. Under the most favorable circumstances of importation, exotic cotton seed arrives in India with at least, on an average, fifty per cent. of the seed worthless. This is caused by the seed losing its germinating power whilst in transit.

43. Government are perfectly well aware of this, as is shown by paragraphs 3, 4, and 5 of orders (in the Revenue Department) No. 3605, dated 9th instant.

44. I believe many cotton experiments have been condemned on the very insufficient grounds of failure of exotic seed in places where different results would have been attained by trying seed that had become partially acclimatized to India.

45. The matter appears to be of so much importance that I would respectfully recommend that orders to the purport alluded to in my above 43rd paragraph be issued under the authority of Government to all districts where cotton experiments have been, or are likely to be, undertaken; the only difference between the proposed orders and those already issued being that the former should relate to *every* kind of exotic cotton, whilst the latter refer only to the Peruvian variety.

46. In conclusion, I would beg to observe that the year under review has been a most exceptional one; financial difficulties have been so great as to seriously discourage all improvements and extensions of cotton cultivation, and I respectfully trust that such exceptional circumstances may be allowed their proper weight when this report is under consideration.

Statement exhibiting in detail the localities and parties to whom Cotton Seed has been supplied for the Season of 1866 by the Cotton Commissioner of Western India.

Running Number.	To whom supplied.	Names of Seed, &c.																																								Remarks.
		New Orleans, American.				New Orleans, Dharwar.				Peruvian Exotic.				Peruvian Dharwar.				Egyptian Exotic.				Egyptian Mysore.				Sea Island Exotic.				Berar Indigenous.				Dharwar Indigenous.							
		Quantity.				Quantity.				Quantity.				Quantity.				Quantity.				Quantity.				Quantity.				Quantity.				Quantity.							
		Tons.	Cwt.	Quarters.	lbs.	Tons.	Cwt.	Quarters.	lbs.	Tons.	Cwt.	Quarters.	lbs.	Tons.	Cwt.	Quarters.	lbs.	Tons.	Cwt.	Quarters.	lbs.	Tons.	Cwt.	Quarters.	lbs.	Tons.	Cwt.	Quarters.	lbs.	Tons.	Cwt.	Quarters.	lbs.	Tons.	Cwt.	Quarters.	lbs.				
1	D. L. McDougall Gleig, Rajkote ...	...	...	...	...	..	...	...	2	...	...	...	2	...	.	.	½	...	...	...	...	.	...	..	...	...	...	...	...	...	..	.	...		...		.				
2	Honorable Rustomjee Jamsetjee Jeejeebhoy, Bombay	...	..	...	...	.	..	...	...	..	...	.	..	...	..	...	...	...	13	...	...	...	1	2	..	...	...	..	...	...	...	...	...	...	...	...	.	...			
3	Collector of Khandeish	...	2	...	...	.	3	2	8	..	2	2	..	.	..	...	...	...	3	...	...	...	...	..	...	...	1	2	...	...	...	.	...	...	...		...				
4	Her Majesty's Government, N. W. Provinces, Allahabad	...	...	...	...	20	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	..	...	...	...	..	...	...	...	...	...	.	..	...	...		...				
5	Inspector-in-Chief of Cotton, Bombay ...	...	...	...	...	..	..	3	16	..	...	..	...	.	.	...	...	...	...	...	25	...	...	...	..	..	...	...	...	...	...	...	25	.	...		.				
6	Jeverialal Umiashunkar, Esq., Bombay...	...	...	...	2	...	..	...	..	..	...	.	2	.	...	...	...	...	...	...	2	..	...	..	...	.	...	...	...	...	...	...	...	.	...		...				
7	Dr. P. Cullen, Superintendent Cotton Affairs, Wurdah	...	...	...	...	...	...	...	...	...	...	...	.	...	.	...	...	...	...	...	20	.	...	...	...	.	...	...	...	...	...	...	...	...	.	.	.	.			
8	J. Elphinstone, Esq., Bombay Civil Service	...	...	...	½	..	...	...	½	...	...	...	½	.	...	..	4	...	...	...	½	.	...	...	..	.	...	..	½	.	...	...	...	..	...	..	.				
9	W. Strip, Esq., Bombay	...	...	...	5	..	...	...	5	...	...	...	5	...	...	...	..	...	...	...	5	.	...	.	...	.	...	...	5	.	..	..	...	..	...	.	20				
10	J. L. Franssen, Esq., Cochin ...	...	...	...	½	...	..	...	½	..	...	...	½	...	.	.	..	...	...	.	½	.	..	.	.		.	..	½	.	.	.	...	..	...	.	¼				
11	S. Wilson, Esq., Bombay Civil Service ...	...	...	...	½	...	.	...	½	...	...	...	½	.	.	.	4	...	..	.	½	.	..	.	..	..	...	..	½	...	...	...	...	...	...	.	...				
12	Collector of Surat	...	...	..	.	.	..	.	..	..	..	..	..				.		4	...	..	..	..				..	..	...	...	...	...	...	...	...	.	...				
13	G. Brown, Esq., Bombay	...	.	2	..	..	2	2	.	..	...	..	.					.	.			..	..	.	.	..	.	1	...	...	...	...	...	...	...	..	...				
14	Collector of Ahmedabad	...	...	2	...	..	4	2	22	..	...	1		.	.	.	...	.	2	.	..	.	.	..	...	...	...	..	14	..	..	...	...	...	...	2	18				
15	Collector of Poona	...	.	...	...	..	...	1	2	...	..	1	2	.		...	...	..	..	1	2	.	...	...	.		...	.	...	.	..	...	...	...	...	1	2				
16	His Excellency the Governor of Bombay in Council	..	...	...	..	...	..	..	...	...	.	.	..				...	...	5	...	...	..	...	..	.	.	..	..	...	..	...	...	...	...	...	.	.				
17	Collector of Ahmednuggur... ...	...	..	...	...	...	...	...	...	...	...	3	16	..	...	...	...	...	4	3	18	...	...	...	...	..	..	...	...	...	...	...	...	...	...	...	...				

Statement exhibiting in detail the localities and parties to whom Cotton Seed has been supplied, &c.,—continued.

Running Number.	To whom supplied.	New Orleans, American. Quantity. Tons.	Cwt.	Quarters.	lbs.	New Orleans, Dharwar. Quantity. Tons.	Cwt.	Quarters.	lbs.	Peruvian Exotic. Quantity. Tons.	Cwt.	Quarters.	lbs.	Peruvian Dharwar. Quantity. Tons.	Cwt.	Quarters.	lbs.	Egyptian Exotic. Quantity. Tons.	Cwt.	Quarters.	lbs.	Egyptian Mysore. Quantity. Tons.	Cwt.	Quarters.	lbs.	Sea Island Exotic. Quantity. Tons.	Cwt.	Quarters.	lbs.	Berar Indigenous. Quantity. Tons.	Cwt.	Quarters.	lbs.	Dharwar Indigenous. Quantity. Tons.	Cwt.	Quarters.	lbs.	Remarks.
18	W. H. Propert, Esq., Agent to His Excellency the Governor, Punch Mahals			.			..				4	.					.			.			.	..	.	..	..	..		..		..	..		...	..	..	
19	H. H. Maharajah Holkar's Vukeel, Indore			.			..	1	12											.			.	.	6			..	...			..	.	...		...	...	..	
20	Collector of Kaira		...	.	5		...													.								...	..	...	.	..	.	...		...	...	..	
21	Ismailsab Hagulwady, Mysore		.	..		.	.		5				.				¼		.		¼		.	.			..	.	..	...	.	..	.	.	...			½	
22	J. Forsyth, Esq., Settlement Officer, Nimar ..	.	...	..	12	.	.												...	.	12			.	.	..	...	...	6	.	..	..	.	.	...		.		
	District Officers of the Dharwar Collectorate.																																					
23	Mamlutdar of Raneebidnoor .		9	1	17		.	..	...		..	..	...	...	.		..	..	...	...	.		..	...	.	...	..	.	..	..	..	...	.	..	...	.	..	
24	Ditto of Kurrujghee ..		9	1	17			..			...	.	...	..	.	.	..	...	..	...	..		..	...	..	...	...	...	..	.	.	.	...	...	...	...	..	
25	Ditto of Hooblee ..		19	3	11½			.			...	...	..	...	..	..	...	...	.	..	..	.	.	.	.	...	...	...	...		..		...	..	..	...	...	
26	Ditto of Roan ..	1	6	2	26			..		..	...	...	...	..	..	..	..	.	.	...	...	..	.	...	...	...	...	...	...				...	.	...	...	...	
27	Ditto of Gudduck .. .		19	3	24					.	..	...	...	...	...	...	..	...	..	...	.	..	...	..	..	..		...	...	.	..	..	...	.	..	..	..	
28	Ditto of Nowlgoond . .	1	16	2	25			.				...	...	...	...	...	..		.	..	...		...	..		...	...	...	...	...	...	..	...	..	..	...	...	
29	Mahalkurree of Dummul .		7	1	7		.					..	...	...	.	..	..	.	.	...	...	.	...	...	..	...	...	...	...	...		...	...	..	...	...	..	...	
30	Ditto of Nurgoond .		18	1	10½					.			..		.				.	.			.			..	...	...	...	..	.	..	...		...	...	...	
	Grand Total for 1866 .	7	10	3	22½	20	12	1	17½		8	..	¼		..		8¾	1	12	3	1¼		1	2	6	.	1	3	26½	..	...	...	25	...	1	..	12¾	
	Grand Total for 1865 ..	..			.	39	.	1	22		..	..	...	..	.	.		..	.	.	..	.	..	.	..	.	.	...	...	...	...	...	...	...	..	..	...	
	Decrease of distribution for 1866 .	..	.	.	...	18	8	..	4½			..	..	.	..	..	.		..	.	..	.	...	..	...		...	...	...	...	..	...	...	.	...	...	...	
	Increase of distribution for 1866 .	7	10	3	22½			.	..		8	..	¼		.		8¾	1	12	3	1¼	..	1	2	6	...	1	3	26½	...	..	...	25	...	1	...	12¾	

COTTON COMMISSIONER'S OFFICE;
DHARWAR,
The 22nd October 1866.

W. WALTON,
In charge Office of Cotton Commissioner.

RESOLUTION.—Copies of this Report should be sent to the Secretary of State, the Government of India, and Government of the Punjab; Mr. H. Rivett-Carnac, the Manchester Cotton Supply Association, and the Chambers of Commerce at Bombay, Calcutta, Madras, and Kurrachee; and copy should also be placed on the Editors' Table.

2. The Government of the Punjab may be asked to favor this Government with copies of any correspondence on their records regarding the first introduction of New Orleans cotton and its acclimatization, and to oblige Government with a sample of the cotton.

3. Mr. Walton should lose no time in ascertaining and reporting to Government the quantity of American seed he will require for distribution next year. The Secretary of State will then be requested to make arrangements for its being selected, and despatched, if possible, direct from New Orleans.

4. The result of Mr. Ashburner's experiment with Sea Island Cotton is looked for with interest.

Ordered that copies of the above be forwarded to—

W. WALTON, ESQ., in charge Office of Cotton Commissioner,
The COLLECTOR of KHANDEISH,
The REVENUE COMMISSIONER, N. D.,
The REVENUE COMMISSIONER, S. D.,
The COTTON COMMISSIONER, CENTRAL PROVINCES and BERAR,
The SECRETARY, MANCHESTER COTTON SUPPLY ASSOCIATION,
The SECRETARY, CHAMBER of COMMERCE, BOMBAY,
The SECRETARY, CHAMBER of COMMERCE, KURRACHEE,
The SECRETARY, CHAMBER of COMMERCE, CALCUTTA,
The SECRETARY, CHAMBER of COMMERCE, MADRAS,
The SECRETARY to the GOVERNMENT of the PUNJAB.
} By letter.

F. S. CHAPMAN,
Chief Secretary to Government.

No. 4240, 19*th November* 1866.

Endorsed by Govt. of Bombay, Revenue Dept.

Forwarded to the Government of India for information.

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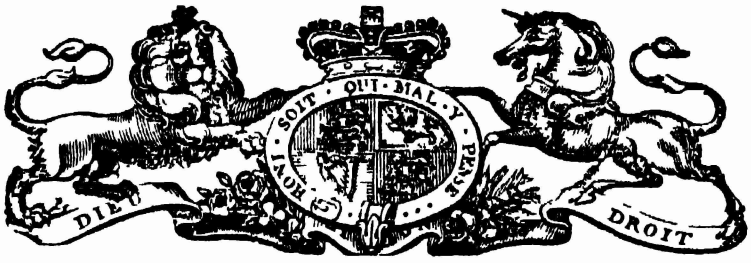
No. 52.



The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, DECEMBER 29, 1866.

HOME DEPARTMENT.

NOTIFICATIONS.

Fort William, the 21st December 1866.

No. 1686.

The Reverend E. Godfrey is appointed Chaplain of Saugor, in the Central Provinces.

The 22nd December 1866.

No. 1701.

The Governor General in Council is pleased to re-attach to the North-Western Provinces, Punjab, and Oudh, Mr. H. W. Dashwood, of the Civil Service, who returned from furlough on the 17th instant.

No. 1703.

The Governor General in Council is pleased to re-attach to the Bengal Division of the Presidency of Fort William, Mr. R. H. Clifford, of the Civil Service, who returned from furlough on the 17th instant.

The 24th December 1866.

No. 1722.

The Reverend Edward Kemble, appointed a Junior Chaplain on the Bengal Establishment, reported his arrival on the 13th instant.

Mr. Kemble's services are placed at the disposal of the Government of Bengal.

E. C. Bayley,
Secy. to the Govt. of India.

The 27th December 1866.

No. 1735.

Mr. F. A. B. Glover took his seat as an Officiating Judge of the High Court of Judicature at Fort William in Bengal on the 15th instant.

No. 1736.

The Reverend F. W. Ellis, a Senior Chaplain on the Bengal Establishment, reported his return from England, on the 13th instant, per Steam Ship "Sultan."

Mr. Ellis is appointed Chaplain of Lucknow.

The 28th December 1866.

No. 1748.

Moung Mhai, Extra Assistant Commissioner (Myooke), 3rd Class, 2nd Grade, British Burmah, is invested with the powers of a Subordinate Magistrate, 2nd Class described in Section 22 of Act XXV of 1861.

No. 1750.

Moung Kullah, Extra Assistant Commissioner (Myooke), 4th Class, 1st Grade, in British Burmah, is invested with the powers of a Subordinate Magistrate of the 2nd Class, described in Section 22 of Act XXV of 1861.

No. 1752.

The Reverend John Stephenson, the Reverend Edward Kemble, and the Reverend Andrew Lumesden Mitchell have been appointed by the Right Hon'ble the Secretary of State for India to be Junior Chaplains on the Bengal Establishment.

Mr. Stephenson's appointment will take effect from the 12th December 1866.

No. 1754.

The Right Hon'ble the Secretary of State has granted an extension of leave on medical certificate for six months to the Reverend John Dawson, an Assistant Chaplain of the Church of Scotland on the Bengal Establishment.

No. 1755.

The under-mentioned Covenanted Civil Servants, having produced the necessary medical certificates, have been granted by the Right Hon'ble the Secretary of State for India extensions of leave for the periods specified:—

Mr. H. M. Chase	...	1 month.
„ J. Vans Agnew	...	6 months.
„ J. C. Dodgson	...	6 „
„ J. P. H. Ward	...	6 „

No. 1760.

A License having been granted, under the provisions of Section 2, Act VIII of 1860, to the Madras Irrigation and Canal Company, to establish a line of Electric Telegraph along the course of the Company's Canal from Soonkasala, about eighteen miles west of Kurnool, to a spot adjoining the Railway Station at Cuddapah, about three miles from the Canal, it is hereby notified and declared, in accordance with Section 22 of the said Act, that the 9th and 10th following Sections of the said Act shall be applicable to the said Telegraph and to all persons using the same, or employed in connection therewith.

The License granted on the 28th August 1866 is hereby revoked.

No. 1765.

Mr. Wells, Master Attendant of Bassein, British Burmah, has obtained one month's privilege leave of absence.

No. 1767.

The following Despatch from the Right Hon'ble the Secretary of State is published for general information :—

ECCLESIASTICAL. INDIA OFFICE;
No. 24. *London, 16th November* 1866.

To His Excellency the Right Hon'ble the Governor General of India in Council.

1. I have received, with feelings of deep concern, the melancholy intelligence, communicated in your Despatch dated 8th October (No. 9) 1866, of the death of the Lord Bishop of Calcutta by accidental drowning at Kooshteah.

2. The loss of a Prelate, who discharged the duties of his high office with such zeal, devotedness, charity, and sound judgment, cannot fail to be sensibly felt both by the Government with which he was connected, and by the Diocese over which he presided; and I have to express my entire concurrence in the sentiments recorded by your Government in your public Notification of His Lordship's death in the Gazette of the 10th October last.

I have, &c.,

(Signed) CRANBORNE.

No. 1769.

Colonel H. L. Thuillier, Surveyor General of India, reported his return from furlough on the 12th instant, on the forenoon of which day he received charge of his office from Lieutenant Colonel Castrell.

ARTHUR HOWELL,
Under Secretary,
For Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

Judicial.

Fort William, the 27th December 1866.

No. 401.

APPOINTMENT—Mr. Lancelot Ricketts, 1st Judge of the Bangalore Court of Small Causes, to be Registrar General of Mysore and Coorg, vice Mr. Numboor Krishnia, retired.

Military.

The 28th December 1866.

No. 209.

NOTIFICATION.—Consequent on the deputation of Captain A. G. Mayne, Staff Officer of the Central India Horse, to other duties, the following temporary arrangements, ordered by the Commandant, are confirmed by the Governor General in Council :—

Captain C. James to act as Staff Officer from the 26th June till the 10th July, being relieved on the latter date by Captain F. P. Luard (vide Notification No. 196, dated 11th instant).

Lieutenant J. Miller to act as Staff Officer, vice Captain Luard, from the 16th October.

No. 210.

LEAVE.—Surgeon H. C. Brodrick, attached to the Central India Horse, is allowed preparatory leave from the 3rd to the 15th instant, in order to proceed to Bombay and appear before a Medical Board.

General.

The 27th December 1866.

No. 1961.

PROMOTION.—The following promotions in the Mysore Commission, consequent on the retirement of Mr. Numboor Krishnia, are sanctioned by the Governor General in Council :—

Mr. Krishnia Rao to be 1st Class Native Assistant.

Mr. Subbaputi Moodeliar to be 2nd Class Native Assistant.

Mr. S. Venkutwurdiengar to be 3rd Class Native Assistant.

No. 1964.

LEAVE.—Captain A. H. Eckford, Assistant Commissioner in Oudh, has been granted leave of absence of 32 days, preparatory to applying for furlough to Europe.

No. 1966.

Lieutenant H. A. Gower, Additional Assistant Commissioner, 3rd Grade, in British Burmah, has been granted leave of absence on urgent private affairs for 60 days.

No. 1969.

NOTIFICATIONS.—The services of Major B. T. Reid, Superintendent of Darjeeling, are placed at the disposal of the Punjab Government.

Captain B. W. D. Morton is appointed Superintendent of Darjeeling in succession to Major Reid.

No. 1975.

Consequent on the departure on sick leave of Captain Elder, Cantonment Magistrate at Mhow, the duties of the Office, as a temporary arrangement, were conducted successively by Captain F. T. Cornewall from the 14th August last, and by Captain F. C. Heathcote from the 14th November.

The Governor General in Council is pleased to appoint Captain James Currie, of the Bombay Staff Corps, to act as Cantonment Magistrate at Mhow, vice Captain Elder, with effect from the date on which Captain Currie may have assumed charge of the appointment.

The 28th December 1866.

No. 1979.

Mr. J. K. Macrae, Assistant Commissioner, 1st Grade, in British Burmah, to officiate as a Deputy Commissioner, 4th Grade, vice Mr. J. Treacy, transferred to other duties, with effect from the 15th ultimo.

No. 1981.

Moung Mhai to be an Extra Assistant Commissioner, 3rd Class, 2nd Grade, in British Burmah, vice Moung Shive Nyo, deceased.

The appointment to have effect from the 2nd ultimo.

J. W. S. WYLLIE,
Offg. Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

NOTIFICATION.

Fort William, the 28th December 1866.

No. 2591.

The following Statement of the Silver received and coined in the Mints of Calcutta, Madras, and Bombay, in September and October 1866, is published for general information :—

	CALCUTTA.			MADRAS.			BOMBAY.		
	Bullion or Coin received during the month, valued in Rupees.		Coined and examined during the month, valued in Rupees.	Bullion or Coin received during the month, valued in Rupees.		Coined and examined during the month, valued in Rupees.	Bullion or Coin received during the month, valued in Rupees.		Coined and examined during the month, valued in Rupees.
	Government.	Merchants.		Government.	Merchants.		Government.	Merchants.	
1866.									
September ...	235	28,67,557	2,24,138	...	1,84,899	...	325	20,95,454	21,99,386
October ...	1	21,69,321	1,87,516	7,755	49,805	2,40,702	...	9,91,715	20,99,127

E. H. LUSHINGTON,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 27th December 1866.

No. 1103 *of* 1866.—The services of Lieutenant A. T. Davis, of the General List, Infantry, 1st Wing Subaltern of the 6th Native Infantry, are placed at the disposal of the Government of the North-Western Provinces.

No. 1104 *of* 1866.—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate :—

Captain Edward Humphrey Woodcock, of the late 55th Regiment Native Infantry, Wing Officer, 23rd (Punjab) Regiment of Native Infantry (Pioneers).	For 20 months, under the new Regulations.
Lieutenant Alexander Carden Hennessy, of the Bengal Staff Corps, 2nd Squadron Officer, 14th Bengal Cavalry (Lancers).	For 20 months.
Captain (Brevet Major) Henry G. Austin Vicars, of Her Majesty's 18th Foot, Aide-de-Camp on the Personal Staff of His Excellency the Viceroy and Governor General of India.	For six months, under the new Regulations.
Lieutenant Edward Phillipson Mainwaring, of the General List, Infantry, 1st Wing Subaltern of the 35th (The Mynpoorie) Regiment Native Infantry.	For 20 months, under the new Regulations.

No. 1105 *of* 1866.—The under-mentioned Soldier of Her Majesty's service is permitted to reside and draw his pay in India as an Out-pensioner of Chelsea Hospital, in accordance with the Royal Warrant of the 23rd July 1864, pending a reference to the Home authorities as to the amount of his pension :—

Private Patrick Darmody, of the 82nd Foot.

No. 1106 *of* 1866.—The following order issued by the Government of Bombay is confirmed :—

No. 689 *of the* 13th *December* 1866.—Granting leave of absence to Europe on medical certificate to the under-mentioned Officer :—

Lieutenant Thomas Myles Sandys, of the Bengal Staff Corps, Adjutant, 2nd Punjab Infantry.	For 20 months.

No. 1107 *of* 1866.—The under-mentioned Officer has reported his return from England :—

	Date of arrival at Bombay.
Captain M. G. Clerk, of the late 4th European Regiment, Assistant Engineer, Lower Sirhind Division, Department of Public Works, Punjab.	12th Dec. 1866.

No. 1108 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following appointment :—

Veterinary Surgeon G. Kettlewell, officiating in the Stud Department, is appointed permanently to the Department to fill an existing vacancy.

The 28*th December* 1866.

No. 1109 *of* 1866.—The under-mentioned Officer has reported his return from England :—

	Date of arrival at Bombay.
Brigadier General H. B. Lumsden, C. B., Bengal Staff Corps, Commanding Hyderabad Contingent.	28th Nov. 1866.

No. 1110 *of* 1866.—The following promotions are made in the under-mentioned Corps of the Native Army :—

Corps.	Rank and Names.	To what rank promoted.	From what date.	In whose room.
40th (The Shahjehanpore) Regiment of Native Infantry.	Jemadar Noop Singh	Subadar ...	21st Sep. 1866 ...	Mahomed Sookul, deceased.
	Havildar Doorgah Singh ...	Jemadar ..	Ditto ...	Noop Singh, promoted.

No. 1111 *of* 1866.—The following order issued by the Government of Bombay is confirmed :—

No. 696 *of the* 18*th December* 1866.—Granting leave to Europe on medical certificate to the under-mentioned Officer :—

Major (Brevet Lieutenant Colonel) Sydney Joseph Hire, of the Bengal Staff Corps, Assistant Adjutant General, Peshawur Division.	For 20 months.

No. 1112 *of* 1866.—With reference to Government General Order No. 833 of the 3rd October 1866, the services of Lieutenant M. H. Heathcote, 1st Squadron Subaltern, 1st Cavalry, and late Deputy Assistant Quarter Master General in charge of the Camp of His Excellency the Governor General, are replaced at the disposal of His Excellency the Commander-in-Chief, with effect from the 21st instant.

No. 1113 *of* 1866.—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate :—

Lieutenant Colonel Henry Richard Shelton, of Infantry.	For 20 months, under the old Regulations.
Lieutenant Samuel Brown Home, of the General List, Infantry, 2nd Wing Subaltern of the 6th Regiment Native Infantry.	For 20 months, under the new Regulations.

No. 1114 *of* 1866.—The under-mentioned Officers have reported their departure on the dates specified opposite to their names :—

Captain (Brevet Major) Charles Baily, of the late 17th Regiment Native Infantry, G. G. O. No. 947 of 1866.	"Achilles," 8th Dec. 1866.
Surgeon Major C. R. Francis, of the Medical Department, G. G. O. No. 1001 of 1866.	"Meinam," 4th Dec. 1866.

No. 1115 *of* 1866.—The under-mentioned Officer is admitted to the Bengal Staff Corps, with effect from the date specified opposite to his name, subject to the confirmation of the Right Hon'ble the Secretary of State for India :—

Lieutenant J. R. Yule, of the Royal Artillery, 2nd Wing Subaltern, 30th Regiment (Punjab) Native Infantry.	15th Dec. 1865.

No. 1116 *of* 1866.—With reference to the Notification issued by the Government of the North-Western Provinces, No. 26 B, dated 20th December 1866, the services of Assistant Surgeon B. W. Switzer, F. R. C. S., Officiating Civil Assistant Surgeon at Cawnpore, are replaced at the disposal of His Excellency the Commander-in-Chief.

No. 1117 *of* 1866.—The under-mentioned Officers of the Bengal Staff Corps, having completed twenty-six years' service, are promoted to the rank of Lieutenant Colonel, from the dates specified, under the provisions of G. G. O. No. 808 of the 26th September 1866, subject to Her Majesty's approval:—

Major (Brevet Colonel) Samuel James Browne, C. B., V. C. Major Henry Rawlins Drew.	22nd Dec. 1866.
Major Henry Arthur Dwyer. Major Charles Brenton Basden.	25th Dec. 1866.

No. 1118 *of* 1866.—The under-mentioned Officers of the Bengal Staff Corps, having completed twenty years' service, are promoted to the rank of Major, from the dates specified, under the provisions of G. G. O. No. 808 of the 26th September 1866, subject to Her Majesty's approval:—

Captain George Augustus Brown. Captain Edward Hanson Paske.	26th Dec. 1866.

No. 1119 *of* 1866.—The following promotion is made, from the date specified, under the operation of G. G. O. No. 632 of the 4th August 1864, paragraph 69, subject to Her Majesty's approval:—

BREVET.

To be Lieutenant Colonel.

Major George D'Aguilar, late 4th N. I.	22nd Dec. 1866.

No. 1120 *of* 1866.—The under-mentioned Officers are admitted to the Bengal Staff Corps, with effect from the 12th September 1866, under the provisions of G. G. O. No. 808 of the 26th idem, subject to confirmation by the Right Hon'ble the Secretary of State for India:—

Major (Brevet Lieut. Colonel) George Holroyd, late 43rd N. I.

Captain (Brevet Major) George Byres Mainwaring, late 16th N. I.

Captain (Brevet Major) Edmund Smyth, late 13th N. I.

Captain Addington Taylor, late 25th N. I.

Captain (Brevet Major) William Bolton Girdlestone, late 67th N. I.

Captain (Brevet Major) Frederick John Ellis, late 58th N. I.

Captain (Brevet Major) Henry John Templer, late 5th E. R.

Captain (Brevet Major) James Augustus Grant, C. B., late 6th E. R.

Captain (Brevet Major) Robert Stothert, late 4th N. I.

Captain Arthur Cory, late 16th N. I.

Captain (Brevet Major) John Pringle Sherriff, late 35th N. I.

Captain John Roberts, late 40th N. I.

Captain William Frederick Shaw, late 43rd N. I.

Captain Thomas Buttanshaw, late 28th N. I.

Captain Mansfeldt George Smith, late 59th N. I.

Captain Thomas Norris Baker, late 31st N. I.

Captain Edward Humphrey Woodcock, late 55th N. I.

Captain William Siddons Young, late 59th N. I.

Captain Edwin Archibald Chester Lambert, late 1st E. B. F., as Lieutenant.

Lieutenant (Brevet Captain) Francis John Craigie, late 21st N. I.

Lieutenant (Brevet Captain) William Cabell, late 62nd N. I.

Lieutenant (Brevet Captain) William Alexander Garden, late 39th N. I.

Lieutenant (Brevet Captain) Henry Inglis, late 41st N. I.

Lieutenant (Brevet Captain) Mark Kerr St. John, late 49th N. I.

Lieutenant (Brevet Captain) Francis Frederick Rowcroft, late 2nd N. I.

Lieutenant (Brevet Captain) Wynyard Battye, late 65th N. I.

Lieutenant Henry Peter Poleman Nash, late 25th N. I.

Lieutenant Robert Adam Wauchope, late 57th N. I.

Lieutenant Otway Mayne Graham, late 6th E. R.

Lieutenant Frederick Henry Hood, late 30th N. I.

Lieutenant Joseph Barnard Smith, late 5th E. R.

Lieutenant William Ewbank Chambers, late 19th N. I.

Lieutenant Frederick Lowis Stoll Dyce, late 71st N. I.

Lieutenant Henry Warde Webster, late 45th N. I.

Lieutenant Henry Augustus Plowden, late 51st N. I.

Lieutenant Charles Lorrain Woodruffe, late 68th N. I.

Lieutenant Charles Simeon Noble, late 72nd N. I.

Lieutenant Charles McNeile, late 60th N. I.

Lieutenant Archibald Buchan Hepburn, late 32nd N. I.

Lieutenant Charles St. John Burren Barnett, late 19th N. I.

Lieutenant Charles John Farquharson, late 50th N. I.

Lieutenant Henry William John Senior, late 73rd N. I.

Lieutenant John Finnis, late 5th E. R.

Lieutenant Charles Edward Macaulay, late 51st N. I.

No. 1121 *of* 1866.—The following promotions are made in the Bengal Staff Corps, from the date specified, under the provisions of G. G. O. No. 808 of the 26th September 1866, subject to Her Majesty's approval:—

TO BE LIEUT. COLONEL.

Having served 26 years.

Major (Brevet Lieut. Colonel) George Holroyd.	12th September 1866.

TO BE MAJORS.

Having served 20 years.

Captain (Brevet Major) George Byres Mainwaring. Captain (Brevet Major) Edmund Smyth. Captain (Brevet Major) William Bolton Girdlestone. Captain (Brevet Major) Frederick John Ellis. Captain (Brevet Major) Henry John Templer. Captain (Brevet Major) James Augustus Grant, C. B. Captain (Brevet Major) Robert Stothert.	12th September 1866.

TO BE CAPTAINS.

Having served 12 years.

Lieutenant (Brevet Captain) Francis John Craigie. Lieutenant (Brevet Captain) William Cabell. Lieutenant (Brevet Captain) William Alexander Garden. Lieutenant (Brevet Captain) Edwin Archibald Chester Lambert. Lieutenant (Brevet Captain) Henry Inglis. Lieutenant (Brevet Captain) Mark Kerr St. John. Lieutenant (Brevet Captain) Francis Frederick Rowcroft. Lieutenant (Brevet Captain) Wynyard Battye.	12th September 1866.

H. K. BURNE, *Lieut. Colonel,*

Offg. Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Fort William, the 20th December 1866.

Revenue—Forests.

No. 38 F.

The following Rules for the better management and preservation of the Government Forests in Berar (Hyderabad Assigned Districts), drawn up under Act VII of 1865, have been confirmed by the Governor General in Council, and are, in accordance with Section 6 of the Act, published in the *Gazette of India*:—

Forest Rules, Hyderabad Assigned Districts in Berar.

I.—The administration of the Forests will be vested in the following Officers:—

(1.) The Assistant Conservator.

(2.) His subordinate Officers, Overseers, Darogahs, Jemadars, Duffadars, Watchers, and Peons. It will also be the duty of all Police Officers to watch the observance of these Rules, and to afford every assistance to the Forest Officers in the exercise of their duties.

II.—The boundaries of *Reserved Forests* will be demarcated by masonry pillars, or in other permanent manner. Intimation of the reserves made will be publicly proclaimed in the District.

Note.—In some Districts the reservation of bamboos is needful; in others, it is not.

III.—Within the limits of the Reserved Forests, the lopping or felling of trees, shrubs or bamboos, and the removal or attempted removal of any natural produce of the Forests, except with the permission of the Officer in charge of the Forests, is absolutely prohibited under the penalty of confiscation provided in the Act, and any unauthorized entrance into these reserves is strictly forbidden. Persons entering without authority will be prosecuted according to law.

IV.—Within the limits of the Forests, the grazing of cattle, the burning of lime or charcoal, and the lighting of fires, is absolutely prohibited, except with the permission of the Conservator of Forests. Any one so doing shall be liable to fine not exceeding Rs. 50, or in default, to imprisonment for a period not exceeding 14 days.

V.—The arrangements for the felling and sale of Government timber in Government Forests, whether reserved or unreserved, shall be made by the Chief Forest Officer, subject to the approval of the Resident. Ryots dwelling near the Government Forests shall be permitted to remove grass, bamboos, and timber, except of the kinds specified below:—

Teak	... *Tectona grandis.*
Sissoo	... *Dalbergia Sissoo.*
Tinnus	... *Oojeinia dalbergioides.*

and any other kinds the Resident may hereafter direct.

VI.—Cultivation of any kind within Government Forests is prohibited, except in tracts defined by the Forest Officer, and on payment of the rent usually levied from squatters in the District. Every infringement of this Rule will be punished by a fine not exceeding Rs. 50, and confiscation of the crop, or in default, imprisonment not exceeding 14 days.

VII.—In the Government Forests, the following trees may be sold to purchasers at fixed rates, the sale being approved by the Forest Officer in charge:—

Teak	... *Tectona grandis.*
Sissoo	... *Dalbergia Sissoo.*
Tinnus	. *Oojeinia dalbergioides.*

The timber of trees not specified is termed unreserved timber.

VIII.—The Government also reserve the right of levying seignorage on all Teak and Tinnus felled in the Forests, and upon any other description of timber which, from time to time, it may appear expedient to protect. The seignorage rates at present levied in Berar are:—

	Rs.	A.
Per cart-load	4	0
„ Bullock-load (if dragged) ...	1	0
„ Ditto (if laden) ...	0	8
„ Cooly-load	0	4

IX.—The Assistant Conservator of Forests, in granting licenses to fell timber, or collect produce, will bind the Permit-holders by such conditions as to time and route for removal as he may deem necessary for the prevention of waste and the

safety of the Forest. If these conditions are not observed, the timber will be liable to confiscation.

X.—No Forest Officer shall engage in any other employment or office other than his duties under these Rules, unless expressly authorised to do so by the Chief Forest Officer, approved by the Resident.

The 22nd December 1866.

No. 39 F.

The following temporary appointments are made in the Forest Department of Mysore and Coorg :—

Mr. Frederick Haines Clerk to officiate as 2nd Assistant Conservator in Mysore, vice Lieutenant E. W. C. H. Miller, officiating as an Assistant Commissioner, Central Provinces.

Mr. Edgar Ludlow to officiate as Assistant Conservator in Coorg, vice Mr. C. A. Dobbs, officiating as 1st Assistant Conservator of Forests, Mysore.

Establishment.

The 27th December 1866.

No. 324.

Mr. G. C. Cooke, Assistant Engineer, 1st Grade, Rajpootana, has been allowed by the Right Hon'ble the Secretary of State for India an extension, for a period of three months, of the leave on private affairs without pay already granted him.

No. 325.

Lieutenant R. F. Angelo, 41st Native Infantry, Executive Engineer, 4th Grade, Central Provinces, was relieved of the charge of the Nimar Division by Lieutenant A. T. Fraser, R. E., Executive Engineer, 4th Grade, on the afternoon of the 5th December 1866, and his services were placed at the disposal of the Military Department from the 6th idem.

The 28th December 1866.

No. 326.

B. Sham Rao was permitted, at his own request, to resign his appointment as Overseer, 3rd Grade, Public Works Department, Mysore, with effect from the date he was relieved of his duties.

No. 327.

Teroomul Rao, Overseer, 3rd Grade, Mysore, has been permitted, at his own request, to resign his appointment in the Public Works Department, with effect from the date he was relieved of his duties.

No. 328.

Mr. J. D. Legge is appointed to the Public Works Department as an Overseer of the 1st Grade, and posted to Mysore.

C. H. DICKENS, *Lieut. Colonel*, R. A.,
Secy. to the Govt. of India.

NOTICE.

Lucknow, the 19th December 1866.

Whereas it appears to the Deputy Commissioner of Fyzabad that land is required to be taken up by Government at the public expense for a public purpose, viz., for brick kiln yard required by Executive Engineer, Fyzabad, it is hereby notified that land to the extent noted below is required for the said purpose :—

This declaration is made under Act VI. of 1857.

District.	Village.	Quantity of Land required.		
		Acre.	Rood.	Pole.
Fyzabad ..	Khajimpore	2	1	38
Ditto ...	Morahao ...	8	3	31
Ditto ..	Guddoopore ..	3	16	0

C. W. HUTCHINSON, *Lieut. Col.*, R. E.,
Offg. Secy. to Chief Commr.,
D. P. W., Oudh.

GOVT. TELEGRAPH DEPARTMENT.

No. 4963 of the 28th December 1866.

Inspector C. E. Roe is dismissed from the Telegraph Department, with effect from the 7th July 1866.

Inspector E. Wrangham is permitted to resign his appointment in the Department, with effect from the 1st October 1866.

Inspector C. P. Foy is dismissed from the Department, with effect from the 1st October 1866.

Inspector C. Meehan is permitted to resign his appointment in the Department, with effect from the 9th December 1866.

Inspector D. Robertson is dismissed from the Department, with effect from the 6th December 1866.

The following appointments were made in the Telegraph Department :—

Mr. James Moore to be an Inspector, 2nd Grade, with effect from the 28th August 1866.

Mr. J. E. Vean to be an Inspector, 2nd Grade, with effect from the 7th September 1866.

Mr. B. D'Silva to be an Inspector, 2nd Grade, with effect from the 1st September 1866.

Mr. B. H. Downes to be an Inspector, 2nd Grade, with effect from 22nd November 1866, vice Grossmith, deceased.

Mr. G. W. Bade is transferred from the Signalling to the Line Establishment as an Inspector, 2nd Grade, with effect from the 1st January 1867, vice Richmond, deceased.

R. MURRAY, *Major*,
Depy. Dir. Genl. of Tels. in India.

CURRENCY NOTES.

Extract from Financial Department Notification No. 1004 *A, dated Simla,* 30*th July* 1866.

Para. 9.—"The person making the statement respecting a lost or destroyed note, or portion of note, will be required to advertise its loss (free of charge) *thrice* at least in the *Official Gazette* of the Presidency or place where or within which the note is payable, and *once* in the *Gazette of India.*"

Lost.

First half of the following Currency Note, intimation of loss given to the Currency Office, Allahabad :—

No. $\frac{A}{26}$03598, for Rs. 20.

Right halves of the following Bank Notes of the Allahabad Circle, Nos. $\frac{A}{30}$16068, dated 5th May 1864, and $\frac{A}{13}$82127, dated 16th July 1861, for Rs. 100 each.

First half of the Currency Note, No. $\frac{A}{13}$30593, for Rs. 10. Intimation of loss given to the Currency Office, Allahabad.

Right half of Currency Note of the Lahore Circle, No. $\frac{A}{26}$22616, for Rs. 20.

Second halves of the following Currency Notes, intimation of loss given to the Currency Office, Allahabad:—No. $\frac{A}{18}$21563, for Rs. 10.

No. $\frac{A}{18}$21564, for Rs. 10.

The left halves of the following Currency Notes:—

No. $\frac{A}{13}$36994 for Rs. 100
" $\frac{A}{11}$60124 " 50
" $\frac{A}{11}$64178 " 50

Right half of Currency Note, intimation of loss given to the Currency Office, Calcutta:—

No. $\frac{A}{13}$35390, for Rs. 100.

Halves of the following Currency Notes, intimation of loss given to the Currency Office, Calcutta :—

Nos. $\frac{A}{10}$02329, $\frac{A}{10}$36254, $\frac{A}{7}$62103, for Rs. 50 each.

Under-mentioned Currency Notes :—

Nos. $\frac{A}{18}$21613 and $\frac{A}{16}$18428, for Rs. 1,000 each.

Half of the following Currency Note, intimation of loss given to the Currency Office, Calcutta :—

No. $\frac{A}{18}$25713, for Rs. 10.

Lost or Stolen.

Halves of the following Currency Notes, intimation of loss given to the Currency Office, Calcutta :—

No. $\frac{A}{8}$10373
" $\frac{A}{8}$87216
" $\frac{A}{8}$56055
" $\frac{A}{8}$69148

PROMISSORY NOTES.

Lost.

The following Government Promissory Notes, Nos. 25499 of 1841-42, for Rs. 2,500, and 25276 of 1841-42, for Rs. 2,000.

DENOBUNDOO NUNDY.

The following Government Promissory Note, No. 11536 of 37048, dated 30th June 1854, for Rs. 1,000, standing in my name, and never endorsed to any person, has been lost; notice of its loss has been given to the Government Loan Office, Calcutta, and application for the issue of the Duplicate Note will be soon made to the Government of India.

BURRANAGORE, *The 22nd Dec.* 1866. } SREECAUNTH ROY, *Zemindar, Proprietor.*

NOTICE.

A New Edition of the Map of DISTRICT NUDDEAH, showing Village boundaries, Scale 1 Mile equal to 1 Inch, in 8 Sections, with a small Index, is now ready for issue.

Applications for the Maps *bonâ fide* on the Public Service, to be addressed to the Registrar, Surveyor General's Office, Calcutta.

For private use, on payment, the Map can be obtained from all Booksellers and the "School Book Society," Calcutta, at the following rates :—

		Rs.	A.	P.
Uncolored and Unmounted.	On *thick paper*, the Map complete in 8 Sections with Index...	8	0	0
	Or each Section separate ...	2	0	0
	On *thin paper*, the Map complete in 8 Sections with Index..	6	0	0
	Or each Section separate ...	1	8	0

N. B.—Parties requiring the Map Colored and Mounted must pay extra for the same.

J. E. GASTRELL, *Lieut. Colonel,*
Offg. Depy. Surveyor Genl. of India.

SILVER BALANCE IN THE MINT.

Balance of Bullion under assay or remaining to be assayed on the morning of the 17th December 1866,	17,76,168
17th December tendered ...	18,043
	17,94,211
Certificates issued	1,95,156
Balance	15,99,055
18th December tendered ...	17,650
	16,16,705
Certificates issued	2,04,221
Balance	14,12,484
19th December tendered ...	5,325
	14,17,809
Certificates issued	2,00,822
Balance	12,16,987
20th December tendered ...	36,315
	12,53,302
Certificates issued	2,39,736
Balance	10,13,566
21st December tendered ...	39,214
	10,52,780
Certificates issued	1,68,704
Balance	8,84,076
22nd December tendered ...	...
	8,84,076
Certificates issued	2,40,707
Balance	6,43,369
Deduct difference in value between Tender and Certificates ...	26,045
Balance of Bullion under assay or remaining to be assayed ...	6,17,324
Note.—Value of Silver remaining for Coinage at end of week and appertaining to the Mint Balance ...	59,59,381
Deduct Value of Silver appertaining to the Currency Department ...	56,42,878
NETT ...	3,16,503

CALCUTTA MINT, *The 27th December* 1866. } J. A. BALLARD, *Offg. Mint. Master.*

ADVERTISEMENTS.

THE GREAT EASTERN HOTEL, WINE, AND GENERAL PURVEYING COMPANY "LIMITED."

Notice is hereby given that an Extraordinary General Meeting of the Shareholders of this Company will be held at the registered Office of the Company, Nos. 1, 2, and 3, Old Court House Street, Calcutta, on Friday, the 11th day of January 1867, at three o'clock P. M., for the following purposes, *viz.* :—

To consider the question of the declaration of a dividend for the past half-year left undecided at the Half-yearly Ordinary General Meeting of Shareholders held on the 31st October last.

To repass the resolutions as to the appointment of a Committee of inspection carried at the said Meeting held on 31st October last.

And to transact all such other business as may be brought forward.

By order of the Directors,

DAVID CALDER,
Secretary.

Now ready, price 2 Rupees.

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1866.

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Finance and Revenue Accounts of the Government of India for the year 1864-65, and Estimate of Revenue, Expenditure, and Cash Balances for 1865-66, with a comparison of the two years.

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1866.

Selections from the Records of Govt. N. W. P., Part XLIV.

CONTENTS:

Report on Native Presses in the N. W. Provinces—Annual Reports of the Lunatic Asylums at Bareilly and Benares—Annual Report of the Vaccine operations in the Agra and Meerut Divisions—Report on the Progress of the Public Library and Museum at Allahabad. *Price Re.* 1.

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1866.

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&c., &c.

By Authority.

The Commander-in-Chief having been pleased to approve of a Compilation, prepared by the Chief Inspector of Musketry, of all general and departmental orders relating to Musketry Instruction, Rifled Arms, Ammunition, Ranges and Appliances, &c., &c., &c., has directed the same to be published for the convenience and use of the Staff of British Regiments and of Departments concerned.

All orders on the subject of Musketry Instruction, found necessary to admit of the system laid down in the Musketry Regulations being adhered to in India, have been revised; and this Compilation is to be considered and quoted as an order in supersession of all those contained in Circular, No. $\frac{610}{E}$ of the 5th September 1862, and subsequently issued from the Office of the Chief Inspector of Musketry.

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REPORT

ON THE

CALCUTTA CYCLONE

OF THE 5TH OCTOBER 1864,

BY

LT. COL. J. E. GASTRELL AND F. H. BLANFORD, A. R. S. M.

WITH MAPS AND DIAGRAMS ILLUSTRATING THE ORIGIN AND PROGRESS OF THE STORM AND THE TRACK OF THE STORM WAVE.

Printed and published for the Government of Bengal by order of the Lieutenant Governor.

Calcutta, 1866.

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OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

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GOVERNMENT OF INDIA.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE ACT OF PARLIAMENT 24 & 25 VIC., CAP. 67.

The Council met at Government House on Friday, the 21st December 1866.

PRESENT:

His Excellency the Viceroy and Governor General of India, *presiding*.

His Honour the Lieutenant Governor of Bengal.
The Hon'ble H. Sumner Maine.
The Hon'ble W. Grey.
The Hon'ble G. Noble Taylor.
The Right Hon'ble W. N. Massey.
The Hon'ble Mahárájá Dhíraj Mahtab Chand Bahádur, Mahárájá of Burdwan.
The Hon'ble H. P. A. B. Riddell.
The Hon'ble J E. L. Brandreth.
The Hon'ble M. J. M. Shaw Stewart.
The Hon'ble C. P. Hobhouse.
The Hon'ble D. Cowie.

TRANSSHIPMENT OF GOODS (BOMBAY) BILL.

The Hon'ble MR. SHAW STEWART, in moving for leave to introduce a Bill to facilitate the transshipment of goods imported into Bombay by steamers, said that the Bill had been prepared under the instructions of the Bombay Government for the following purposes. Within the last few years and since the abolition of the Indian Navy, the mercantile steam navy of Bombay had greatly increased. He believed that, at the present time, not less than ten distinct lines of steamers belonging to more than half that number of companies, had Bombay as one of their terminal points, and there was every reason to suppose that, when Bombay became the chief port of commerce between India and Suez, the number of steamers would increase.

As might be supposed, many of these steamers brought large quantities of goods intended, not for use or import in Bombay, but for transshipment and re-export to other ports, and the inconvenience of the provisions of the Customs' Act as affecting these goods had long been felt.

By the law as it stood, all goods imported into Bombay for transshipment to other ports were dealt with thus: if they were destined for a British port, they might be transshipped and re-exported without payment of duty, on the exporter giving security that they would be duly imported at the port of destination. If they were intended for a foreign port, duty must be paid, but a drawback of seven-eighths was given on re-export. Both those operations occupied much time and effectually prevented goods being transshipped with the same celerity as mails and passengers' luggage. This delay necessitated the landing of the goods instead of simply transshipping them from one steamer to the other, and had given rise to numerous complaints, and the leading steamer companies had urged the adoption of some simpler process.

The plan now proposed by the Government of Bombay was suggested in its main features by the

companies themselves. It was proposed to levy a small fee on each package or bale transshipped, instead of going through the long process of examination, valuation, payment of duty and repayment, and preparation of security-bonds that was now required. The privilege would be given under the following conditions: (1) the goods must be imported by a steamer; (2) they must be separately manifested as for re-export; (3) the parties interested must make a special application for the permission; (4) the chief Customs' Officer would at his discretion grant it, or apply the ordinary provision of the Customs' Act. The amount of fees and subsidiary regulations would be laid down by the local Government.

He (Mr. Shaw Stewart) had reason to believe that the Government of Bombay desired that a law on the subject of Bonded Warehouses should be introduced this session, and it might be desirable in that case to consider both Bills together; but having received no instructions on the subject, he contented himself with asking leave to introduce the Bill of which he had given notice.

The Motion was put and agreed to.

Murderous Outrages (Punjab) Bill.

The Hon'ble Mr. Brandreth, in moving for leave to introduce a Bill for the suppression of murderous outrages in certain districts of the Punjáb, said that the recent murderous attacks, attributable to religious fanaticism, made on Europeans in stations on the Punjáb frontier, which were the main cause of the present Bill being proposed, were doubtless well known to the Council from the newspapers and other sources, and it would not be necessary that he should enter into their details.

The principal objects of this Bill were two, 1st, to provide for a more speedy mode of trial and giving effect to the sentences passed, for the offences to which he had referred, and 2ndly, to provide for attempts at murder, made under fanatical motives, being punishable with death, which they were not under the present Penal Code.

The Council would easily imagine the feeling of utter insecurity, not to say also of vehement indignation, on the part of a small European community, when one of their number lost his life, by the hand of some fanatical miscreant, so long as the murderer remained unpunished. The sentence in such a case might not be carried into effect if the existing law took its ordinary course in less than weeks or even months. If the feeling to which he had referred were unreasonable, no doubt it would be deserving of no consideration by this Council. But it was not unreasonable. There was additional insecurity of life every day that punishment lingered. There was nothing more likely to spread than a fanatical spirit. Crime which had its origin in such motives ought to be met with the speediest retribution. He thought too, that officers in the service of the State, who were obliged to reside in frontier stations, were especially deserving of all the protection which the Legislature could afford them

This was one of his reasons for introducing this Bill. Another reason was that, when it was known what speedy and certain punishment would follow the crime in accordance with the procedure of this Bill, as compared with all the delays of the present system, this knowledge, it was hoped, would have some effect in preventing the so constant recurrence of this crime. Some further reasons for the Bill might also be adduced. Hitherto the District Officer had, as the phrase ran, taken the law into his own hands. Now take the case, the last which occurred, in which the District Officer put a man to death for an attempt at murder. Attempt at murder was not punishable at all by the Penal Code, and the District Officer had no legal power to try the case. Unless he (Mr. Brandreth) was very much mistaken, this District Officer was, in a legal and technical point of view, as much guilty of murder as any one could be guilty of any offence under the Penal Code; and yet his act had been approved of and considered morally justifiable. Surely such a disagreement between the legal and moral sense should not be suffered to continue any longer. It was not right to lay on the District Officer the responsibility of thus ignoring the law in order to check these crimes. If a District Officer were a less determined man, he might be deterred by the fear of a prosecution such as the late Governor of Jamaica is at present threatened with. If there was reasonable ground for expecting that we had heard the last of these outrages, he (Mr. Brandreth) should have been far from recommending any change in the existing law. He did not think that our Codes of law, with all the safeguards which they insisted upon, should be set aside to meet a case of barely possible contingency. But there was no reasonable ground for such a hope. This crime had been too frequent of late to justify such an expectation. Not to take into account the crimes which occurred during the earlier period of our possession of the Punjáb, in one year of which, if he recollected aright, no less than four of these crimes were committed, take the last five years or thereabouts. Within that period, no less than five of these cases of murderous outrages took place. In three of these cases the crime was complete. Three Europeans were murdered by fanatics. Four of these cases occurred in the single Division of Peshawur. Besides there had been two or three cases of an exceedingly doubtful character which occurred within the same period and in the same Division. One of these cases which he referred to was probably heard of by the Council, that of the Missionary, the Revd. Mr. Löwenthal, who was murdered two years ago at Peshawur. There was no parallel crime known in the Bengal Presidency.

The mode in which he (Mr. Brandreth) proposed to provide for the speedy trial of these cases was this. By Act XV of 1862, the District Officer was empowered to try all cases not punishable with death which he would otherwise have to commit to the Sessions. By the procedure thus established, all the delays of a preliminary enquiry to which some sixty Sections of the Procedure Code were devoted, and other formalities, were avoided. This procedure he proposed to extend to the cases contemplated in this Bill, but the cases would be tried by the Commissioner, not the Magistrate. The Commissioner was the officer of the greatest judicial experience in the Division, and he alone was under the present law empowered to try cases of murder. Provision however would be made for the trial, in the absence of the Commissioner, being

conducted by any officer invested with the full powers of a Magistrate.

The other object of the Bill to which he had referred was to punish attempts at murder with death. He thought no one would doubt that, if they were to have a Bill at all, that must form one of the provisions of it. The framers of the Penal Code, he saw it stated in one of the papers connected with this case, because it was framed for non-professional Judges, thought it more safe not to make attempts at murder capital offences. But it was indispensably necessary that the present class of cases should be made an exception to this principle. The deciding officer must have a larger discretion. Of course, so far as would be consistent with a speedy decision of the case, provision should be made for the trial being as fair and deliberate as possible.

The provisions for this and some other matters which he proposed introducing into the Bill ought to be explained in detail to the Council. But he thought that the explanation would be better made when he should introduce the Bill.

The Motion was put and agreed to.

Horse-racing Bill.

The Hon'ble Mr. Maine introduced the Bill to legalize horse-racing in India, and moved that it be referred to a Select Committee, with instructions to report in a fortnight. He said that this Bill had for its object the placing of the law of India, as it applied to horse-racing, on the same footing as the law of England. The history of the difference was briefly as follows: There was a long series of English Statutes discountenancing gaming and wagering; but the older Statutes had reference only to particular games stigmatized by the law. Ultimately in 1845, the 8th and 9th Vic., cap. 109, was passed under the influence, as Mr. Maine believed, of the strong popular feeling against gaming-houses. The greatest part of the Act was aimed at common gaming-houses; but Section 18 rendered all contracts by way of gaming or wagering entirely illegal, and declared that they should not be enforced at law or in equity. There, however, followed this proviso—

Provided always that this enactment shall not be deemed to apply to any subscription or contribution, or agreement to subscribe or contribute for or toward any plate, prize or sum of money to be awarded to the winner or winners of any lawful game, sport, pastime or exercise.

Now, there was no question that horse-racing, when the stakes were above £50, was a "lawful game." The earlier Statutes on the subject imposed certain restrictions as to weight and age; but now it was finally settled that horse-racing, limited as above, was lawful. The Indian Act, however, which passed in 1848, and was numbered XXI of 1848, while copying literally the general language of the English Statute as to gaming and wagering, omitted the proviso.

The result was that it had been decided that under the Indian law as it stood, a promise to contribute to a prize or stake dependent on a race might be evaded with impunity. Dishonourable persons appeared to have taken advantage of this state of the law, and the Calcutta Turf Club had addressed to the Council the following petition:—

"That your petitioners are associated together as members of a Club under the name of the Calcutta Turf Club for the purpose of regulating the national pastime of horse-racing with a view to the promotion of true sport and the prevention of fraud.

"That your petitioners steadily keeping this object in view, have drawn up and published, for the guidance of all persons desirous of indulging in the pastime of horse-racing on fair and straight-forward principles, two distinct sets of Rules, the one for the internal management of the affairs of the Club, providing *inter alia* for the expulsion of any member behaving in a manner likely to bring discredit on the Club; the other for the regulation of the terms on which horses are to be aged, weighted and run.

"That certain members from among your petitioners are annually elected to be stewards of the races, and that in that capacity they become trustees of public monies given for the promotion of racing, as well as of certain entrances and stakes payable for the privilege of contesting for the prizes given out of the public monies before mentioned.

"That though the said trustees are in honour bound to pay out of such public monies and private stakes, as far as such will go, the amounts advertised to be given, yet that your petitioners have not the power to prevent evil-minded and dishonourable persons from evading payment of their just contributions in the shape of entries and stakes, such power being taken from them by Act XXI of the Acts of the Governor General of India in Council for the year 1848.

"That by the 8th and 9th of Victoria, Chapter 109, Section 18, lawful games are expressly excepted from such exclusion as is imposed by Act XXI of 1848 before mentioned.

"That your petitioners respectfully submit that horse-racing cannot be considered in any other light but that of a lawful game, it having been patronized from time immemorial by the highest personages in the realm both in England and in this country.

"That such being the case, the time has come to put horse-racing on the same footing in this country on which it stands in England, and such position cannot be attained unless horse-racing in this country has similarly extended to it the protection of the laws of the realm.

"That your petitioners humbly request that your Excellency will see fit to abrogate Act No. XXI of 1848, in so far as it now applies to horse-racing, and will pass a short Act in Council to that effect, thus making this noble pastime in reality and not only in name, a lawful game in this country."

The arguments urged by the Club were no doubt entitled to consideration. But Mr. Maine justified the Bill chiefly on the ground that there was nothing in horse-racing which accounted for the law's licensing the immoral act of omitting to perform a definite promise. It would be observed by the Council that the promise in question had nothing in common with a bet or wager, and therefore did not fall among the objects which, according to their preamble, the framers of Act XXI of 1848 had in view. Such a promise involved no element of chance or uncertainty. It was a distinct unconditional pledge to pay a sum to the winner, whoever he might be. Impunity accorded to the breaker of such a promise could only be defended by assuming that there was something inherently evil in horse-racing; and if that were so, the law ought to go further. In its present state the law only increased the evils, if any, which attended horse-racing. In all probability the framers of Act XXI had omitted the English proviso, because the distinction in the English law between lawful and unlawful games had no existence in India.

The Motion was put and agreed to.

Removal of Prisoners' Bill.

The Hon'ble Mr. Maine introduced the Bill to make further provision for the removal of prisoners, and moved that it be referred to a Select Committee, with instructions to report in four

weeks. He said that this was a very simple matter. The Bill was necessitated by the difference of the criminal procedure of the High Courts and of the Courts in the Mofussil. As the law stood, the local Government had power to order the removal of persons sentenced to imprisonment by the Mofussil Courts from one prison to another in the territories of the same Government. But no European or American sentenced to imprisonment by a High Court could be so removed without the consent of the Governor General in Council. This had been found to cause delay, injurious in some instances to the health of the prisoner, and the first Section of the present Bill, which had been prepared at the suggestion of the Government of Bombay, accordingly proposed to authorize the local Government to order the removal of any prisoner from the jail in which he was confined to any other jail within the territories subject to the same Government.

The next point to which he would refer was the provision embodied in the third Section of the Bill. The Governor General in Council had, under Act XXIV of 1855, Section 6, power to remove Europeans and Americans sentenced to penal servitude from one prison in British India to another. Under Act III of 1858, Section 5, he had a like power as to State prisoners. But he did not appear to possess any general power of removing convicts from prison to prison. The want of such power being obviously inconvenient, the third Section of the present Bill proposed to authorize the Governor General in Council to remove any prisoner, whether European, American or Native, and whether sentenced by a High Court or by a Court not established by Royal Charter, from the jail in which he was confined to any other jail in British India.

The remaining Section of the Bill had been introduced under the following circumstances. Under the sixth Section of Act IV of 1849 (for the safe custody of criminal lunatics), the local Government had power to remove to lunatic asylums persons sentenced to imprisonment by any Court. The local Government had a similar power, under Section 396 of the Code of Criminal Procedure, as to criminal lunatics sentenced by the Courts or Magistrates in the Mofussil. But, in consequence of the repeal of Act IV of 1849 by Act XVII of 1862, it appeared to have now no such power as to criminal lunatics sentenced by a High Court. The second Section of the present Bill, which had been transcribed from the Section of the Code of Criminal Procedure which he had mentioned, accordingly proposed to authorize the local Government to remove such lunatics to asylums, and in case of recovery to remand them or order them to be discharged. Perhaps the Committee to which the Bill would be referred, might consider it preferable to provide simply that the provisions contained in that Section should apply to the High Courts. There was the more reason for doing so, as the Code now applied to the High Court of the North-Western Provinces and the Chief Court of the Punjab.

The Motion was put and agreed to.

Public Gambling Bill.

The Hon'ble Mr. Riddell introduced the Bill to provide for the punishment of public gambling and the keeping of common gaming-houses in large towns in the North-Western Provinces of the Presidency of Fort William, and in the Punjab, Oudh, the Central Provinces and British Burmah, and moved that it be referred to a Select Committee, with instructions to report in three weeks. He said that the Bill had been prepared in accordance with the representations of the Government and Sadr Nizámat of the North-Western Provinces and of the Chief Commissioner of British Burmah. By the passing of the Penal Code, the laws under which gambling was punishable were abrogated, and except where local laws prohibited the practice it had been unchecked. It had been suggested that the clauses of the Penal Code against public nuisances might be used to check public gambling, but practically he believed it had not been found possible so to apply them. The consequences had been that in the North-Western Provinces and Burmah, gambling had increased until its evil effects had led to urgent and repeated representations of the necessity for some legislative action.

In the Punjáb, Oudh and the Central Provinces, the provisions of Sections 10 to 15 of Act No. XXI of 1857, the Calcutta and Howrah Police Act, had been carried out as rules under the authority of the Executive Government; it was now proposed to convert these rules into express legislative enactments.

The testimony of numerous officers was conclusive as to the existence of regular gaming-houses where systematic play was carried on. The Magistrate of Farukhábád stated that play was carried on night and day by bodies of co-partner associates, bound together by mutual agreement and sharing the profits among themselves according to their original interest in the speculation, watchers being stationed near the doors to keep off the Police, who received a percentage on all the winnings. The Commissioner of Kumaon stated that the practice of public gambling had much increased, and that as the Penal Code cancelled the laws which previously existed against gambling, it was presumed that it was sanctioned, and that much crime had been the result.

The provisions of the Bill now before the Council were substantially the same as those of a local Act passed by the Bombay Council, and with the law in the Presidency towns and suburbs, and in the Punjáb and Provinces under the administration of the Government of India. It provided for the punishment of three descriptions of offences within the prescribed limits—

I.—Keeping a common gaming-house.
II.—Gaming in a common gaming-house.
III.—Gaming in a public street.

All these had been prohibited, and the prohibition had been found to work very well in the Provinces which he had named and in the Presidency Towns. Some of the provisions of the Bill would have to be discussed in Committee, as for instance, the provision which authorized the local Government to extend the Act to any town counting more than 5,000 inhabitants. The restriction would have to be maintained in the North-Western Provinces, and, he believed, also in Bengal. The warrant by which a gaming-house might be entered and searched, must be signed by